

By: Taylor of Galveston

S.B. No. 2265

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the Gulf Coast Waste Disposal Authority and expanding
3 the territory and powers of the authority; authorizing fees and the
4 issuance of bonds.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 1.01, Chapter 409, Acts of the 61st
7 Legislature, Regular Session, 1969, is amended to read as follows:

8 Sec. 1.01. PURPOSE. The purpose of this Act is to:

9 (1) establish an instrumentality for developing and
10 effectuating for the upper Gulf Coast region in this state
11 [~~Chambers, Galveston, and Harris Counties~~] a regional water quality
12 management program including provision of waste disposal and water
13 systems and regulation of disposal of wastes; and

14 (2) establish an instrumentality for operating and
15 maintaining a coastal barrier constructed with federal funds to
16 protect the upper Gulf Coast region in this state from
17 hurricane-induced storm surges.

18 SECTION 2. Section 1.02, Chapter 409, Acts of the 61st
19 Legislature, Regular Session, 1969, is amended to read as follows:

20 Sec. 1.02. FINDINGS AND DECLARATION OF POLICY. The
21 legislature finds [~~It is hereby found and declared~~] that:

22 (1) the quality of waters in the upper Gulf Coast
23 region in this state [~~Chambers, Galveston, and Harris Counties~~] is
24 materially affected by the disposal of wastes [~~throughout those~~

1 ~~counties~~];

2 (2) ~~[that]~~ regional approaches to studying water
3 pollution in that region ~~[these counties]~~, ~~[to]~~ planning corrective
4 and preventive measures, ~~[to]~~ providing coordinated facilities for
5 waste disposal, and ~~[to]~~ regulating waste disposal would be far
6 more effective than efforts on a county-wide, city-wide, or smaller
7 scale;

8 (3) ~~[that]~~ solid wastes, as well as other kinds of
9 waste, may impair water quality by seepage, drainage, and
10 otherwise;

11 (4) ~~[that]~~ creation of the Gulf Coast Waste Disposal
12 Authority would advance the established policy of the state to
13 maintain the quality of the waters in the state consistent with the
14 public health and public enjoyment thereof, the propagation and
15 protection of terrestrial and aquatic life, the operation of
16 existing industries, and the economic development of the state;

17 (5) ~~[and that]~~ impending shortage of water in the
18 district for beneficial uses requires that all reasonable measures
19 be taken to prevent and abate water pollution, and to reclaim
20 polluted water for beneficial uses; and

21 (6) the territory in the upper Gulf Coast region in
22 this state is vulnerable to damage from hurricane-induced storm
23 surges and that granting the Gulf Coast Waste Disposal Authority
24 the power to operate and maintain a coastal barrier constructed
25 with federal funds would advance the public purpose of protecting
26 the upper Gulf Coast region in this state from hurricane-induced
27 storm surges.

1 SECTION 3. Section 1.03(a), Chapter 409, Acts of the 61st
2 Legislature, Regular Session, 1969, is amended by adding
3 Subdivision (24) to read as follows:

4 (24) "Coastal spine" means a coastal barrier to
5 protect the upper Gulf Coast region in this state from
6 hurricane-induced storm surges.

7 SECTION 4. Section 2.02, Chapter 409, Acts of the 61st
8 Legislature, Regular Session, 1969, is amended to read as follows:

9 Sec. 2.02. DESCRIPTION. (a) Except as provided by
10 Subsection (b) of this section, the [The] authority's territory
11 consists of [the area inside the boundaries of] Chambers,
12 Galveston, and Harris Counties.

13 (b) On the date the authority adopts a resolution under
14 Section 3A.01 of this Act stating that the requirements of that
15 section have been met, the authority's territory consists of
16 Brazoria, Chambers, Galveston, Harris, Jefferson, and Orange
17 Counties.

18 (c) The Legislature declares that all the area included in
19 the authority's territory [district] will be benefited by the
20 exercise of the powers conferred by this Act.

21 SECTION 5. Section 2.03, Chapter 409, Acts of the 61st
22 Legislature, Regular Session, 1969, is amended by amending
23 Subsections (b) and (e) and adding Subsections (f), (g), and (h) to
24 read as follows:

25 (b) Except as provided by Subsection (g) of this section,
26 the [The] board consists of nine voting directors.

27 (e) The [From each county within the district, the]

1 municipalities waste disposal councils [~~council~~] of Chambers,
2 Galveston, and Harris Counties each [~~that county, hereinafter~~
3 ~~created,~~] shall appoint one director.

4 (f) The board may appoint one or more persons to the board to
5 serve as nonvoting directors for any term.

6 (g) On the date the authority adopts a resolution under
7 Section 3A.01 of this Act stating that the requirements of that
8 section have been met, the board consists of eighteen voting
9 directors.

10 (h) If the board consists of eighteen voting directors, as
11 provided by Subsection (g) of this section, in addition to
12 appointments made under Subsections (c), (d), and (e) of this
13 section, the appointment councils of Brazoria, Jefferson, and
14 Orange Counties each shall appoint one voting director.

15 SECTION 6. Section 2.05, Chapter 409, Acts of the 61st
16 Legislature, Regular Session, 1969, is amended by amending
17 Subsections (a) and (c) and adding Subsections (a-1), (a-2), (c-1),
18 (c-2), and (g) to read as follows:

19 (a) A director's term of office shall be two years,
20 commencing September 1 of the year in which the director is
21 appointed [~~of his appointment, except that four directors of the~~
22 ~~first board shall have one-year terms, in order to obtain staggered~~
23 ~~terms. When the directors have been appointed, they shall draw lots~~
24 ~~to determine which have one-year terms)].~~

25 (a-1) If the board has nine voting directors, as provided by
26 Section 2.03(b) of this Act, the directors' terms must be staggered
27 so that the terms of not more than five directors expire in a single

1 year.

2 (a-2) If the board has eighteen voting directors, as
3 provided by Section 2.03(g) of this Act, the directors' terms must
4 be staggered so that the terms of not more than 10 directors expire
5 in a single year.

6 (c) There are [~~hereby~~] created:

7 (1) the Municipalities Waste Disposal Council of
8 Chambers County, [~~which shall be~~] composed of the mayors of each and
9 all of the incorporated cities and towns the city hall of which is
10 situated within Chambers County;

11 (2) the Municipalities Waste Disposal Council of
12 Galveston County, [~~which shall be~~] composed of the mayors of each
13 and all of the incorporated cities and towns the city hall of which
14 is situated within Galveston County; and

15 (3) the Municipalities Waste Disposal Council of
16 Harris County, [~~which shall be~~] composed of the mayors of each and
17 all of the incorporated cities and towns the city hall of which is
18 situated within Harris County.

19 (c-1) On the date the authority adopts a resolution under
20 Section 3A.01 of this Act stating that the requirements of that
21 section have been met, there are created:

22 (1) the Appointment Council of Brazoria County,
23 composed of the mayors of the municipalities in Brazoria County;

24 (2) the Appointment Council of Jefferson County,
25 composed of the mayors of the municipalities in Jefferson County;
26 and

27 (3) the Appointment Council of Orange County, composed

1 of the mayors of the municipalities in Orange County.

2 (c-2) The sole function of the [~~these~~] councils created
3 under Subsections (c) and (c-1) of this section is [~~shall be~~] the
4 selection of directors. Each [~~The temporary chairman of each~~
5 ~~council shall be the mayor of the county seat. Promptly after this~~
6 ~~Act becomes effective, each municipalities waste disposal council~~
7 ~~shall meet at a time and place designated by its temporary chairman~~
8 ~~after notice of the time and place of that meeting has been mailed~~
9 ~~by the temporary chairman to each member of the council at least 48~~
10 ~~hours prior to the time fixed for the meeting. At that meeting,~~
11 ~~the~~] council shall elect a chairman, vice-chairman, and secretary,
12 and shall adopt such bylaws relating to the conduct of its affairs
13 as the council shall determine to be necessary.

14 (g) Subsection (f) of this section governs the appointment
15 of directors by appointment councils created under Subsection (c-1)
16 of this section in the same way that Subsection (f) of this section
17 governs appointments by municipal waste disposal councils.

18 SECTION 7. Subchapter 2, Chapter 409, Acts of the 61st
19 Legislature, Regular Session, 1969, is amended by adding Section
20 2.17 to read as follows:

21 Sec. 2.17. ADVISORY BOARD. (a) The Coastal Spine Advisory
22 Board shall advise the authority board during the construction of a
23 coastal spine that is to be operated and maintained by the authority
24 on matters related to the operation and maintenance of the coastal
25 spine.

26 (b) The advisory board is not required to be appointed or to
27 meet unless the authority has adopted a resolution under Section

1 3A.01 of this Act stating that the requirements of that section have
2 been met.

3 (c) The advisory board is composed of seven members as
4 follows:

5 (1) one member appointed by the governor;

6 (2) one member appointed by the lieutenant governor;

7 (3) one member appointed by the speaker of the house of
8 representatives;

9 (4) one member appointed by the Texas Commission on
10 Environmental Quality;

11 (5) one member appointed by the Parks and Wildlife
12 Commission;

13 (6) the commissioner of the General Land Office, or
14 the commissioner's designee; and

15 (7) one member of the authority board chosen by the
16 authority board.

17 (d) The advisory board is not authorized to act on behalf of
18 the authority without the approval of the authority board.

19 (e) The advisory board shall:

20 (1) select from among its members a presiding officer;
21 and

22 (2) adopt provisions to determine the terms of board
23 members and stagger the members' terms and other provisions
24 necessary to administer the board.

25 (f) An advisory board member is not entitled to
26 reimbursement of expenses or to compensation.

27 (g) The advisory board may appoint one or more persons to

1 the advisory board to serve as nonvoting members.

2 (h) If the authority board determines that construction of a
3 coastal spine is complete:

4 (1) the advisory board is abolished as of the date the
5 authority board makes the determination; and

6 (2) the authority board shall notify each appointing
7 person and entity named in Subsection (c) of this section that the
8 advisory board is abolished.

9 SECTION 8. Chapter 409, Acts of the 61st Legislature,
10 Regular Session, 1969, is amended by adding Subchapter 3A to read as
11 follows:

12 SUBCHAPTER 3A. COASTAL SPINE

13 Sec. 3A.01. COASTAL SPINE CONTINGENT ON FEDERAL FUNDING AND
14 FINDING OF SUFFICIENT REVENUE. The authority may not begin to
15 operate or maintain a coastal spine, exercise a power granted to the
16 authority under this subchapter, or otherwise exercise a power
17 granted to the authority by this Act in support of the operation or
18 maintenance of a coastal spine unless:

19 (1) the federal government approves money for the
20 construction of a coastal spine in this state;

21 (2) the authority determines that the authority's
22 revenue sources, or projected revenue sources, authorized for use
23 for the operation and maintenance of a coastal spine under Section
24 3A.03 of this Act are sufficient to cover the cost of operating and
25 maintaining a coastal spine; and

26 (3) the authority adopts a resolution stating that the
27 requirements of Subdivisions (1) and (2) of this section have been

1 met and submits a copy of the resolution to the legislature.

2 Sec. 3A.02. GENERAL POWERS AND DUTIES. (a) The authority
3 is authorized to operate and maintain a coastal spine in the manner
4 provided by this subchapter.

5 (b) The authority may exercise a power granted to the
6 authority by Subchapter 3 of this Act to support the operation and
7 maintenance of a coastal spine.

8 (c) A duty assigned to the authority under Subchapter 3 of
9 this Act that relates to the authority's duty to develop and
10 effectuate a regional water quality management program does not
11 apply to the operation or maintenance of a coastal spine by the
12 authority unless otherwise provided by this subchapter.

13 (d) A coastal spine may be operated and maintained inside or
14 outside the territory of the authority.

15 (e) The authority may convey material and rights produced or
16 acquired during the operation or maintenance of a coastal spine,
17 including spoil, dredged material, and development rights.

18 (f) The authority may:

19 (1) apply for a permit for an activity related to the
20 operation or maintenance of a coastal spine; and

21 (2) seek other necessary approvals for the operation
22 or maintenance of a coastal spine from a state or federal agency.

23 Sec. 3A.03. USE OF FUNDS FOR COASTAL SPINE. The authority
24 may operate and maintain a coastal spine using money available to
25 the authority, including tax revenue, only if the money is not
26 related to the authority's waste disposal, pollution control,
27 wastewater treatment, water reuse, water systems, or solid waste

1 operations.

2 Sec. 3A.04. MASTER PLAN. (a) In addition to the master
3 plan developed under Section 3.10 of this Act, the authority shall
4 develop, prepare, and revise, as needed, a master plan for the
5 operation and maintenance of a coastal spine.

6 (b) The authority shall submit the first master plan and any
7 revised versions of the master plan to the General Land Office
8 before implementing the plan. The General Land Office may approve
9 or disapprove a plan submitted under this section. If the General
10 Land Office does not issue a decision on a plan submitted under this
11 section before the 31st day after the date the General Land Office
12 receives the plan, the plan is considered to be approved.

13 Sec. 3A.05. ACQUISITION. The authority may:

14 (1) purchase, lease, acquire by gift, maintain, use,
15 and operate facilities and systems related to the operation or
16 maintenance of a coastal spine; and

17 (2) acquire permits, licenses, and rights related to
18 the operation or maintenance of a coastal spine.

19 Sec. 3A.06. CONTRACTS. (a) The authority may make
20 contracts and execute instruments that are necessary or convenient
21 to the exercise of its powers, rights, duties, and functions under
22 this subchapter. The authority is authorized to execute all
23 appropriate documents and instruments in connection with the
24 contracts.

25 (b) The authority may enter into contracts for a purpose
26 related to the operation or maintenance of a coastal spine in the
27 manner that a municipal management district may enter into

1 contracts under Chapter 375, Local Government Code, as amended.

2 (c) The authority and all persons are authorized to enter
3 into contracts with respect to the operation or maintenance of a
4 coastal spine.

5 (d) A public agency or local government is authorized to:

6 (1) enter into a contract with the authority;

7 (2) determine, agree, and pledge that all or any part
8 of its payments under a contract with the authority shall be payable
9 from any source, subject only to the authorization by a majority
10 vote of the governing body of such public agency or local government
11 of the contract, pledge, and payments;

12 (3) use and pledge any available revenues or resources
13 for and to the payment of amounts due under a contract with the
14 authority as an additional source of payment or as the sole source
15 of payment and agree with the authority to assure the availability
16 of revenue and resources when required; and

17 (4) fix, charge, and collect impact fees and utility
18 charges, if the public agency or local government is otherwise
19 authorized to impose the fees and charges, and to use and pledge
20 revenue from the fees or charges to make payments to the authority
21 required under a contract with the authority.

22 (e) The authority and another governmental entity may enter
23 into a contract for the operation or maintenance of a coastal spine
24 in the same way that a political subdivision may contract with
25 another governmental entity under Chapter 472, Transportation
26 Code, to construct or maintain a road or highway.

27 (f) Notwithstanding Section 3.23(a) of this Act, a contract

1 related to the operation or maintenance of a coastal spine may be
2 for any term if the contract is approved by the General Land Office.

3 Sec. 3A.07. AGREEMENTS. (a) The authority may enter into a
4 cooperative agreement with a political subdivision, state agency,
5 or federal agency for a purpose related to the operation or
6 maintenance of a coastal spine.

7 (b) The authority may enter into an interlocal agreement
8 with a political subdivision for a purpose related to the operation
9 or maintenance of a coastal spine.

10 Sec. 3A.08. POWER TO REGULATE NAVIGATION. (a) The
11 authority has the powers provided to navigation districts by
12 Sections 60.043 and 62.118, Water Code, as amended.

13 (b) The authority may control and distribute storm water and
14 floodwater of rivers and streams in aid of navigation, in the manner
15 provided by Chapter 62, Water Code, as amended, for navigation
16 districts.

17 (c) For a purpose related to operating or maintaining a
18 coastal spine, an order or action of the authority supersedes an
19 order or action of a navigation district.

20 Sec. 3A.09. DEVELOPMENT CORPORATION POWERS. (a) The
21 authority may act as a unit, as defined by Section 501.002, Local
22 Government Code, to create a development corporation for a purpose
23 related to the operation or maintenance of a coastal spine.

24 (b) This section does not authorize the authority to impose
25 a sales tax.

26 Sec. 3A.10. LOCAL GOVERNMENT CORPORATION POWERS. (a) The
27 board by resolution may authorize the creation of a nonprofit

1 corporation to assist and act for the authority in operating or
2 maintaining a coastal spine.

3 (b) The nonprofit corporation:

4 (1) has each power of and is considered to be a local
5 government corporation created under Subchapter D, Chapter 431,
6 Transportation Code, as amended, including for the purposes of
7 Section 431.105, Transportation Code; and

8 (2) may implement a project related to the operation
9 or maintenance of a coastal spine.

10 (c) The board shall appoint the board of directors of the
11 nonprofit corporation. The board of directors of the nonprofit
12 corporation shall serve in the same manner as the board of directors
13 of a local government corporation created under Subchapter D,
14 Chapter 431, Transportation Code, as amended.

15 SECTION 9. Section 5.01(a), Chapter 409, Acts of the 61st
16 Legislature, Regular Session, 1969, is amended to read as follows:

17 (a) For the purpose of carrying out any power or authority
18 conferred by this Act, including the expense of preparing the
19 master plan and the payment of engineering and other expenses in
20 connection therewith, the authority is empowered to issue its bonds
21 in three general classes:

22 (1) bonds secured by ad valorem taxes;

23 (2) bonds secured by a pledge of all or part of the
24 revenues accruing to the authority, including [~~without limitation~~]
25 those received from:

26 (A) sale of water or other products;

27 (B) [7] rendition of service;

- 1 (C) [] tolls;
- 2 (D) [] charges;
- 3 (E) a contract entered into with a city or other
- 4 governmental agency, authority, or district related to the
- 5 operation or maintenance of a coastal spine; [] and
- 6 (F) [from] all other sources other than ad
- 7 valorem taxes; and

8 (3) bonds secured by a combination pledge of all or

9 part of the revenues described in Subdivision (2) of this

10 subsection[] and taxes.

11 SECTION 10. Subchapter 5, Chapter 409, Acts of the 61st

12 Legislature, Regular Session, 1969, is amended by adding Section

13 5.10 to read as follows:

14 Sec. 5.10. CATASTROPHE BONDS. A corporation created by the

15 authority under Section 3A.09 or 3A.10 of this Act may issue a

16 security with a condition that the corporation's obligation to pay

17 interest or repay the principal is deferred or forgiven if the

18 corporation suffers a loss from a particular predefined

19 catastrophe.

20 SECTION 11. If the territory of the Gulf Coast Waste

21 Disposal Authority is expanded, the initial directors from

22 Brazoria, Jefferson, and Orange Counties under Sections 2.03 and

23 2.05, Chapter 409, Acts of the 61st Legislature, Regular Session,

24 1969, as amended by this Act, shall draw lots to determine which

25 director or directors will serve one-year terms and which will

26 serve two-year terms to fulfill the staggered terms requirement of

27 Section 2.05, Chapter 409, Acts of the 61st Legislature, Regular

1 Session, 1969, as amended by this Act.

2 SECTION 12. If the territory of the Gulf Coast Waste
3 Disposal Authority is expanded, the temporary chairman of each
4 appointment council created under Section 2.05(c-1), Chapter 409,
5 Acts of the 61st Legislature, Regular Session, 1969, as added by
6 this Act, for Brazoria, Jefferson, and Orange Counties shall be the
7 mayor of the county seat for that county. Promptly after the date
8 the councils are created, each council shall meet at a time and
9 place designated by the temporary chairman to elect a chairman,
10 vice-chairman, and secretary and adopt bylaws relating to the
11 conduct of council affairs.

12 SECTION 13. (a) The legal notice of the intention to
13 introduce this Act, setting forth the general substance of this
14 Act, has been published as provided by law, and the notice and a
15 copy of this Act have been furnished to all persons, agencies,
16 officials, or entities to which they are required to be furnished
17 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
18 Government Code.

19 (b) The governor, one of the required recipients, has
20 submitted the notice and Act to the Texas Commission on
21 Environmental Quality.

22 (c) The Texas Commission on Environmental Quality has filed
23 its recommendations relating to this Act with the governor,
24 lieutenant governor, and speaker of the house of representatives
25 within the required time.

26 (d) All requirements of the constitution and laws of this
27 state and the rules and procedures of the legislature with respect

1 to the notice, introduction, and passage of this Act have been
2 fulfilled and accomplished.

3 SECTION 14. This Act takes effect immediately if it
4 receives a vote of two-thirds of all the members elected to each
5 house, as provided by Section 39, Article III, Texas Constitution.
6 If this Act does not receive the vote necessary for immediate
7 effect, this Act takes effect September 1, 2017.