

By: Canales

H.B. No. 5410

A BILL TO BE ENTITLED

AN ACT

relating to the Rio Grande Regional Water Authority; affecting the qualifications of a member of the board of directors of the authority.

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

SECTION 1. Section 1.01(1), Chapter 385, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

(1) "Authority" means the Lower Rio Grande Regional Water Authority.

SECTION 2. Section 1.02(a), Chapter 385, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

(a) A conservation and reclamation district, to be known as the Lower Rio Grande Regional Water Authority is created.

SECTION 3. Chapter 385, Acts of the 78th Legislature, Regular Session, 2003, is amended by adding Section 1.025 to read as follows:

Sec. 1.025. NAME CHANGE. A reference in law to the Rio Grande Regional Water Authority means the Lower Rio Grande Regional Water Authority.

SECTION 4. Section 1.05, Chapter 385, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

Sec. 1.05. BOUNDARIES. The boundaries of the authority are coextensive with the boundaries of Cameron, Hidalgo, and ~~[Starr, Webb]~~ Willacy~~[, and Zapata]~~ counties~~[, except that the authority~~

1 ~~does not include the area within the corporate limits of the City of~~
2 ~~Laredo~~].

3 SECTION 5. Section 2.01, Chapter 385, Acts of the 78th
4 Legislature, Regular Session, 2003, is amended to read as follows:

5 Sec. 2.01. BOARD OF DIRECTORS. (a) The board consists of
6 11 ~~[18]~~ directors.

7 (b) Four directors are appointed by majority vote of the
8 Cameron County Commissioners Court ~~[Twelve directors are appointed~~
9 ~~by the governor, with the advice and consent of the senate]~~, as
10 follows:

11 (1) ~~[nine directors who represent irrigation~~
12 ~~districts that are members of the conference from a list of nominees~~
13 ~~submitted by the committee of irrigation districts convened under~~
14 ~~Section 1A.03 of this Act,~~

15 ~~[(2)]~~ one director who represents the public;

16 (2) two directors who represent ~~[(3) one director who~~
17 ~~represents]~~ municipal class entities that are members of the
18 conference; and

19 (3) [(4)] one director who represents water supply
20 corporations that are members of the conference.

21 (b-1) Four directors are appointed by majority vote of the
22 Hidalgo County Commissioners Court, as follows:

23 (1) one director who represents the public;

24 (2) two directors who represent municipal class
25 entities that are members of the conference; and

26 (3) one director who represents water supply
27 corporations that are members of the conference.

1 (b-2) Two directors are appointed by majority vote of the
2 Willacy County Commissioners Court, as follows:

3 (1) one director who represents either the public or
4 municipal class entities that are members of the conference; and

5 (2) one director who represents water supply
6 corporations that are members of the conference.

7 (b-3) One director is appointed by the governor. The
8 director appointed under this subsection:

9 (1) serves as the presiding officer of the board;

10 (2) serves at the pleasure of the governor; and

11 (3) does not vote at a board meeting except to break a
12 tie vote.

13 (c) A ~~[One director is appointed from each of the six~~
14 ~~counties in the authority by majority vote of the commissioners~~
15 ~~court of that county. In January of a year in which a director's~~
16 ~~term expires, the commissioners court of the appropriate county~~
17 ~~shall appoint a director for a four-year term beginning February 1~~
18 ~~of that year. In addition to meeting the requirements of Subsection~~
19 ~~(c-1) of this section, if applicable, a]~~ director appointed as
20 provided by this section ~~[subsection]~~ must:

21 (1) be a registered voter; and

22 (2) ~~[reside in the county from which the director is~~
23 ~~appointed, and~~

24 ~~[-3-]~~ work in a water-related field or have special
25 knowledge of water issues.

26 (c-1) A director appointed under this section who
27 represents a conference member must be an employee or director of

1 the conference member ~~[Subsection (c) of this section must reside~~
2 ~~in the most populous municipality in the county from which the~~
3 ~~director is appointed if the county:~~

4 ~~[(1) does not hold water rights,~~

5 ~~[(2) does not have a certificate of convenience and~~
6 ~~necessity to provide water service; and~~

7 ~~[(3) is not a water service provider].~~

8 (c-2) A director appointed to represent the public under
9 this section or the director's spouse may not be an employee or
10 director of a conference member.

11 (d) The appointing entities described by Subsections (b),
12 (b-1), and (b-2) of this section shall appoint members in a manner
13 that ensures:

14 (1) at least one qualified voter of each county in the
15 authority is appointed as a director; and

16 (2) not more than six directors are qualified voters
17 of the same county.

18 ~~[(c) Initial directors serve until permanent directors are~~
19 ~~appointed.]~~

20 (f) Except as provided by Subsection (b-3), directors
21 ~~[Directors]~~ appointed under ~~[Subsection (b) or (c) of]~~ this section
22 serve staggered three-year ~~[four-year]~~ terms.

23 (g) Each ~~[Except as provided by Subsection (c) of this~~
24 ~~section, each]~~ director must be a qualified voter of this ~~[the]~~
25 state and reside ~~[residing]~~ within the boundaries of the authority.

26 (h) A director who represents a member of the conference is
27 no longer eligible to be a member of the board if the annual fees or

assessments from the conference for the member are thirty days or more past due ~~[In making an appointment under Subsection (b)(1) of this section, the governor may reject one or more of the nominees on a list submitted by the committee of irrigation districts and request a new list of different nominees. The second list of nominees must be submitted to the governor not later than the 14th day after the date of the governor's request for a new list. If the governor rejects one or more of the nominees on the second list, the governor may request a third, final list of nominees, that must be submitted to the governor not later than the 14th day after the date of the governor's request for the third list. If the governor rejects one or more of the nominees on the third list, the governor may select any person who represents an irrigation district that is a member of the conference to serve as a director].~~

(i) The watermaster serves as a nonvoting advisor to the board.

SECTION 6. Section 2.03, Chapter 385, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

Sec. 2.03. VACANCY. (a) ~~[The governor shall fill a vacancy that occurs in the office of a director appointed by the governor.~~

~~[(b)]~~ The commissioners court of a county shall fill a vacancy that occurs in the office of a director appointed by ~~[from]~~ that county.

(b) ~~[(c)]~~ A person appointed to a vacant position serves for the unexpired part of the term.

SECTION 7. Sections 2.06(a) and (b), Chapter 385, Acts of the 78th Legislature, Regular Session, 2003, are amended to read as

1 follows:

2 (a) The board shall elect from among its members [~~a~~
3 ~~president,~~] a vice president[~~7~~] and a secretary-treasurer.

4 (b) The president is the director appointed under Section
5 2.01(b-3) and is the chief executive officer of the authority. [~~The~~
6 ~~president may not vote at a board meeting except to break a tie~~
7 ~~vote.~~]

8 SECTION 8. Section 3.08(b), Chapter 385, Acts of the 78th
9 Legislature, Regular Session, 2003, is amended to read as follows:

10 (b) The board shall timely review and certify the [~~each~~]
11 list provided under Subsection (a) of this section.

12 SECTION 9. Chapter 385, Acts of the 78th Legislature,
13 Regular Session, 2003, is amended by adding Section 3.09 to read as
14 follows:

15 Sec. 3.09. DETERMINATION OF CONNECTIONS. (a) Not later
16 than September 1 of each year, the board shall request from the
17 commission the number of connections served by each member of the
18 conference.

19 (b) The board shall timely review and certify the
20 information provided under Subsection (a) of this section.

21 SECTION 10. Section 4.04, Chapter 385, Acts of the 78th
22 Legislature, Regular Session, 2003, is amended by amending
23 Subsections (b), (c), and (d) and adding Subsection (c-1) to read as
24 follows:

25 (b) Each fiscal year, the board shall determine the amount
26 of the fee or assessment based on the greater of the number of water
27 rights held or connections served by the affected entity. The fee

or assessment may not exceed five cents per acre-foot.

(c) To determine the number of water rights, the board shall
sum the number of ~~[÷~~

~~[(1) shall, for a]~~ domestic, municipal, ~~[or]~~
industrial, and ~~[water right, multiply by two the number of water~~
~~rights certified by the board under Section 3.08 of this Act, or~~

~~[(2) shall, for]~~ any other water ~~[right, use the~~
~~number of water]~~ rights certified by the board under Section 3.08 of
this Act.

(c-1) To determine the number of connections served, the
board shall use the number of connections certified by the board
under Section 3.09 of this Act.

(d) An initial fee or assessment imposed under this section
may not exceed five cents per acre-foot for each water right held or
connection served by the affected entity.

SECTION 11. The following provisions of Chapter 385, Acts
of the 78th Legislature, Regular Session, 2003, are repealed:

- (1) Section 1A.03;
- (2) Section 2.02;
- (3) Section 3.08(c); and
- (4) Section 4.04(g).

SECTION 12. (a) The terms of the members of the board of
directors of the Lower Rio Grande Regional Water Authority serving
on the effective date of this Act expire on the date a majority of
the members required to be appointed under Subsections (b) and (c)
of this section qualify to serve.

(b) Not later than September 30, 2023, the commissioners

1 courts of Cameron, Hidalgo, and Willacy Counties shall appoint
2 members of the board of directors of the Lower Rio Grande Regional
3 Water Authority as follows:

4 (1) the commissioners court of Cameron County shall
5 appoint directors to terms expiring February 1, 2024;

6 (2) the commissioners court of Willacy County shall
7 appoint directors to terms expiring February 1, 2025; and

8 (3) the commissioners court of Hidalgo County shall
9 appoint directors to terms expiring February 1, 2026.

10 (c) Not later than September 30, 2023, the governor shall
11 appoint the member of the board of directors of the Lower Rio Grande
12 Regional Water Authority as provided by Section 2.01(b-3), Chapter
13 385, Acts of the 78th Legislature, Regular Session, 2003, as added
14 by this Act.

15 SECTION 13. This Act takes effect immediately if it
16 receives a vote of two-thirds of all the members elected to each
17 house, as provided by Section 39, Article III, Texas Constitution.
18 If this Act does not receive the vote necessary for immediate
19 effect, this Act takes effect September 1, 2023.