

1-1 By: Birdwell, et al. S.B. No. 626
 1-2 (In the Senate - Filed March 11, 2019; March 18, 2019, read
 1-3 first time and referred to Committee on Water & Rural Affairs;
 1-4 March 27, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 6, Nays 0; March 27, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 626 By: Johnson

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the Guadalupe-Blanco River Authority; following the
 1-20 recommendations of the Sunset Advisory Commission.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 1A(a), Chapter 75, Acts of the 43rd
 1-23 Legislature, 1st Called Session, 1933, is amended to read as
 1-24 follows:

1-25 (a) The District is subject to review under Chapter 325,
 1-26 Government Code (Texas Sunset Act), but may not be abolished under
 1-27 that chapter. The review shall be conducted under Section 325.025,
 1-28 Government Code, as if the District were a state agency scheduled to
 1-29 be abolished September 1, 2031 [~~2019~~], and every 12th year after
 1-30 that year.

1-31 SECTION 2. Section 2, Chapter 75, Acts of the 43rd
 1-32 Legislature, 1st Called Session, 1933, is amended to read as
 1-33 follows:

1-34 Sec. 2. Except as expressly limited by this Act, the
 1-35 District shall have and is hereby authorized to exercise all
 1-36 powers, rights, privileges, and functions conferred by General Law,
 1-37 now in force or hereafter enacted, upon any District or Districts
 1-38 created pursuant to Section 59, of Article 16, of the Constitution
 1-39 of the State of Texas (excluding underground water conservation
 1-40 districts), and the same are adopted by reference. Without
 1-41 limitation of the generality of the foregoing, the District shall
 1-42 have and is hereby authorized to exercise the following powers,
 1-43 rights, privileges, and functions;

1-44 (a) to control, store and preserve, within or adjoining the
 1-45 boundaries of the District, the waters of any rivers and streams,
 1-46 including the waters of the Guadalupe and Blanco Rivers and their
 1-47 tributaries, for all useful purposes, and to use, distribute and
 1-48 sell the same, within the boundaries of the District, for any such
 1-49 purposes;

1-50 (b) to conserve, preserve and develop underground waters
 1-51 within the boundaries of the District (subject to any applicable
 1-52 regulation by the State or any political subdivision) for all
 1-53 useful purposes, and to use, distribute and sell the same, within
 1-54 the boundaries of the District for any such purposes;

1-55 (c) to acquire water, water supply facilities and
 1-56 conservation storage capacity within or without the District from
 1-57 any person, including the State or any of its agencies and
 1-58 subdivisions and the United States of America and any of its
 1-59 agencies and subdivisions;

1-60 (d) to use, distribute and sell, without the boundaries of

2-1 the District, any waters which may be controlled, stored,
 2-2 preserved, conserved, developed or acquired by the District, if the
 2-3 Board hereinafter referred to determines that adequate provision
 2-4 can be made to continue to serve the water requirements within the
 2-5 boundaries of the District, provided the District shall not enter
 2-6 into any agreement which contemplates or results in the removal
 2-7 from the watershed of the Guadalupe and Blanco Rivers and their
 2-8 tributaries of any surface water of the District necessary to
 2-9 supply the reasonably foreseeable future water requirements for
 2-10 municipal uses during the next ensuing fifty-year period within
 2-11 such watershed, except on a temporary, interim basis;

2-12 (e) to develop and generate water power and electric energy
 2-13 within the boundaries of the District and to distribute and sell
 2-14 water power and electric energy, within or without the boundaries
 2-15 of the District;

2-16 (f) to prevent or aid in the prevention of damage to person
 2-17 or property from the waters of the Guadalupe and Blanco Rivers and
 2-18 their tributaries;

2-19 (g) to forest and reforest and to aid in the foresting and
 2-20 reforesting of the watershed area of the Guadalupe and Blanco
 2-21 Rivers and their tributaries and to prevent and to aid in the
 2-22 prevention of soil erosion and floods within said watershed area;

2-23 (h) to develop the navigation of inland waters within the
 2-24 boundaries of the District and any facilities in aid thereof;

2-25 (i) to develop the reclamation and drainage of overflowed
 2-26 lands and other lands needing drainage within the boundaries of the
 2-27 District and any facilities in aid thereof (but not to reclaim or
 2-28 drain coastal wetlands or inland marshes);

2-29 (j) to develop the collection, transportation, treatment,
 2-30 disposal and handling of any waste as such term may be defined by
 2-31 General Law and any facilities in aid thereof (but only with the
 2-32 consent of a city if sanitary sewer facilities for the collection,
 2-33 treatment and disposal of sewage are to be constructed or acquired
 2-34 within its corporate limits);

2-35 (k) to conserve and develop waters and lands for recreation
 2-36 purposes and any facilities in aid thereof;

2-37 (l) to acquire by purchase, lease, gift or in any other
 2-38 manner (otherwise than by condemnation) and to maintain, use and
 2-39 operate any and all property of any kind, real, personal, or mixed,
 2-40 or any interest therein, within or without the boundaries of the
 2-41 District, necessary or convenient to the exercise of the powers,
 2-42 rights, privileges and functions conferred upon it by this Act;

2-43 (m) to acquire by condemnation any and all property of any
 2-44 kind, real, personal or mixed, or any interest therein, within or
 2-45 without the boundaries of the District (other than such property or
 2-46 any interest therein without the boundaries of the District as may
 2-47 at the time be owned by any body politic) necessary or convenient to
 2-48 the exercise of the powers, rights, privileges, and functions
 2-49 conferred upon it by this Act, in the manner provided by General Law
 2-50 with respect to condemnation or, at the option of the District, in
 2-51 the manner provided by the Statutes relative to condemnation by
 2-52 Districts organized under General Law pursuant to Section 59, of
 2-53 Article 16, of the Constitution of the State of Texas;

2-54 (n) subject to the provisions of this Act from time to time
 2-55 sell, lease, or otherwise dispose of any property of any kind, real,
 2-56 personal, or mixed, or any interest therein, which shall not be
 2-57 necessary to the carrying on of the business of the District or the
 2-58 sale, lease, or disposition of which, in the judgment of the Board
 2-59 hereinafter referred to, is necessary or convenient to the exercise
 2-60 of the powers, rights, privileges and functions conferred upon the
 2-61 District by this Act or by General Law;

2-62 (o) to overflow and inundate any public lands and public
 2-63 property and to require the relocation of roads, pipelines,
 2-64 transmission lines, railroads, cemeteries and highways in the
 2-65 manner and to the extent permitted to Districts organized under
 2-66 General Law pursuant to Section 59, of Article 16, of the
 2-67 Constitution of the State of Texas; provided that if the District
 2-68 requires the relocation, raising, lowering, rerouting, or change in
 2-69 grade or alteration in the construction of any railroad,

3-1 transmission lines, conduits, poles, properties, or facilities, or
3-2 pipelines in the exercise of the power of eminent domain or any
3-3 other power, all of the relocation, raising, lowering, rerouting or
3-4 changes in grade or alteration of construction shall be the sole
3-5 expense of the District. The term 'sole expense' means the actual
3-6 cost of relocation, raising, lowering, rerouting, or change in
3-7 grade or alteration of construction to provide comparable
3-8 replacement without enhancement of facilities, after deducting the
3-9 net salvage value derived from the old facility;

3-10 (p) to construct, extend, improve, maintain, and
3-11 reconstruct, to cause to be constructed, extended, improved,
3-12 maintained and reconstructed, and to use and operate, any and all
3-13 facilities of any kind necessary or convenient to the exercise of
3-14 such powers, rights, privileges and functions;

3-15 (q) to sue and to be sued in its corporate name;

3-16 (r) to adopt, use and alter a corporate seal;

3-17 (s) to invest and re-invest its funds;

3-18 (t) to make by-laws for the management and regulation of its
3-19 affairs;

3-20 (u) to appoint officers, agents, and employees, to
3-21 prescribe their duties and to fix their compensation;

3-22 (v) to make contracts and to execute instruments necessary
3-23 or convenient to the exercise of the powers, rights, privileges,
3-24 and functions conferred upon it by this Act or General Law for such
3-25 term and with such provisions as the Board hereinafter referred to
3-26 may determine to be in the best interests of the District,
3-27 including, without in any way limiting the generality of the
3-28 foregoing, contracts with persons, including the State of Texas,
3-29 the United States of America and any corporation or agency thereof
3-30 and districts, cities, towns, persons, organizations,
3-31 associations, firms, corporations, entities or others, as such
3-32 Board may deem necessary or proper for, or in connection with, any
3-33 corporate purpose to provide for the construction, acquisition,
3-34 ownership, financing, operation, maintenance, sale, leasing to or
3-35 from, or other use or disposition of any facilities authorized to be
3-36 developed, preserved, conserved, acquired, or constructed under
3-37 this Act or General Law, including any improvements, structures,
3-38 facilities, equipment and all other property of any kind in
3-39 connection therewith and any lands, leaseholds, easements and any
3-40 interests in any of the foregoing;

3-41 (w) to authorize and allow any of such persons, including
3-42 the State of Texas, the United States of America and any corporation
3-43 or agency thereof and districts, agencies, cities, towns, persons,
3-44 organizations, associations, firms, corporations, entities or
3-45 others to participate with the District in the joint construction,
3-46 acquisition, ownership, financing, operation, and maintenance of
3-47 all of such improvements, structures, facilities, equipment and any
3-48 other property in connection therewith, and all such lands,
3-49 leaseholds, easements and interests therein as the Board
3-50 hereinafter referred to may determine is necessary or proper for,
3-51 or in connection with, any corporate purpose, and to allow such
3-52 persons to receive such portion of the revenues derived therefrom
3-53 as such Board shall deem just, equitable and proper;

3-54 (x) to borrow money for its corporate purposes and, without
3-55 limitation of the generality of the foregoing, to borrow money and
3-56 accept grants from persons, including the State of Texas, the
3-57 United States of America, or from any corporation or agency created
3-58 or designated by the State of Texas or the United States of America,
3-59 and, in connection with any such loan or grant, to enter into such
3-60 agreements as the State of Texas or the United States of America or
3-61 such corporations or agency may require; and to make and issue its
3-62 negotiable bonds or notes for moneys borrowed, in the manner and to
3-63 the extent provided in this Act, and to refund or refinance any
3-64 outstanding bonds or notes and to make and issue its negotiable
3-65 bonds or notes therefor in the manner and to the extent provided in
3-66 this Act. Nothing in this Act shall authorize the issuance of any
3-67 bonds, notes, or other evidences of indebtedness of the District,
3-68 except as specifically provided in this Act, and no issuance of
3-69 bonds, notes, or other evidences of indebtedness of the District

4-1 shall ever be authorized except by this Act or General Law;

4-2 (y) nothing herein shall be construed as conferring any
 4-3 water rights on the District, or as fixing any priority of rights,
 4-4 but said District shall obtain its water rights by application to
 4-5 and permit from the Texas ~~[Water Rights]~~ Commission on
 4-6 Environmental Quality as provided by General Statute; and nothing
 4-7 herein shall be construed as authorizing the District to make any
 4-8 regulation of the withdrawal of underground waters. To the extent
 4-9 the provisions of General Law which are adopted by reference in this
 4-10 Act may be in conflict with the express provisions of this Act, the
 4-11 provisions of this Act shall prevail unless the General Law is made
 4-12 cumulative. The rights, powers, privileges, authority, and
 4-13 functions granted to the District under this Act, and the District
 4-14 itself, are expressly subject to Chapters 5, 7, 11, 12, 17, 26, and
 4-15 30 ~~[5, 6, and 21]~~, Water Code, and Chapter 366, Health and Safety
 4-16 Code.

4-17 SECTION 3. Section 4, Chapter 75, Acts of the 43rd
 4-18 Legislature, 1st Called Session, 1933, is amended to read as
 4-19 follows:

4-20 Sec. 4. (a) The powers, rights, privileges and functions of
 4-21 the District shall be exercised by a board of nine (9) directors
 4-22 (herein called the Board), which is a state board of a state agency
 4-23 as contemplated by Section 30a of Article XVI, Constitution of
 4-24 Texas. Each member of the Board shall be a freehold property
 4-25 taxpayer of the State of Texas and shall reside in one of the
 4-26 counties which is included within the boundaries of the District,
 4-27 but only one director shall be appointed from any county. The
 4-28 directors shall be appointed by the Governor from nominations
 4-29 furnished him by the Texas ~~[Water Rights]~~ Commission on
 4-30 Environmental Quality and the appointments confirmed by the Senate
 4-31 as in other cases of appointments by the Governor. Of the directors
 4-32 first appointed, three (3) shall hold office for a term expiring
 4-33 February 1, 1937, three (3) for a term expiring February 1, 1939,
 4-34 and three (3) for a term expiring February 1, 1941. Thereafter,
 4-35 directors shall hold office for a term of six (6) years. Each
 4-36 director shall hold office until the expiration of the term for
 4-37 which he was appointed and thereafter, until his successor shall
 4-38 have been appointed and qualified unless sooner removed as in this
 4-39 Act provided. Any director may be removed by the authority which
 4-40 appointed him for inefficiency, neglect of duty or misconduct in
 4-41 office, after at least ten (10) days' written notice of the charge
 4-42 against him and an opportunity to be heard in person or by counsel
 4-43 at public hearing. A vacancy resulting from the death, resignation
 4-44 or removal of any director shall be filled by the authority which
 4-45 appointed him for the unexpired term. Each director shall qualify
 4-46 by taking the official oath of office prescribed by General
 4-47 Statute.

4-48 ~~[(a) Each director shall receive Twenty-five Dollars (\$25)~~
 4-49 ~~per day, or such amount as may hereafter be prescribed by general~~
 4-50 ~~law, for each day spent in attending meetings of the Board, and any~~
 4-51 ~~other business of the District that the Board thinks necessary,~~
 4-52 ~~plus actual traveling and other expenses.]~~

4-53 (b) Until the adoption of by-laws fixing the time and place
 4-54 of regular meetings and the manner in which special meetings may be
 4-55 called, meetings of the Board shall be held at such times and places
 4-56 as five (5) of the directors may designate in writing. Five (5)
 4-57 directors shall constitute a quorum at any meeting and, except as
 4-58 otherwise provided, in this Act or in the by-laws, all action may be
 4-59 taken by the affirmative vote of a majority of the directors present
 4-60 at any such meeting, except that no contracts which involve any
 4-61 amount greater than Ten Thousand Dollars (\$10,000) or which is to
 4-62 run for a period longer than a year, and no bonds, notes or other
 4-63 evidence of indebtedness and no amendment of the by-laws shall be
 4-64 valid unless authorized or ratified by the affirmative vote of at
 4-65 least five (5) directors.

4-66 SECTION 4. Chapter 75, Acts of the 43rd Legislature, 1st
 4-67 Called Session, 1933, is amended by adding Section 4A to read as
 4-68 follows:

4-69 Sec. 4A. (a) A person who is appointed to and qualifies for

5-1 office as a director may not vote, deliberate, or be counted as a
5-2 director in attendance at a Board meeting until the person
5-3 completes a training program that complies with this section.

5-4 (b) The training program must provide the person with
5-5 information regarding:

5-6 (1) the law governing District operations;

5-7 (2) the programs, functions, rules, and budget of the
5-8 District;

5-9 (3) the results of the most recent formal audit of the
5-10 District;

5-11 (4) the requirements of:

5-12 (A) laws relating to open meetings, public
5-13 information, administrative procedure, and disclosure of conflicts
5-14 of interest; and

5-15 (B) other laws applicable to members of the
5-16 governing body of a river authority in performing their duties; and

5-17 (5) any applicable ethics policies adopted by the
5-18 District or the Texas Ethics Commission.

5-19 (c) A person appointed to the Board is entitled to
5-20 reimbursement for the travel expenses incurred in attending the
5-21 training program regardless of whether the attendance at the
5-22 program occurs before or after the person qualifies for office.

5-23 (d) The general manager shall create a training manual that
5-24 includes the information required by Subsection (b) of this
5-25 section. The general manager shall distribute a copy of the
5-26 training manual annually to each director. Each director shall
5-27 sign and submit to the general manager a statement acknowledging
5-28 that the director has received and reviewed the training manual.

5-29 SECTION 5. Section 5, Chapter 75, Acts of the 43rd
5-30 Legislature, 1st Called Session, 1933, is amended to read as
5-31 follows:

5-32 Sec. 5. The Governor shall designate a member of the Board
5-33 as the presiding officer of the Board to serve in that capacity at
5-34 the pleasure of the Governor. The Board shall select a Secretary
5-35 who shall keep true and complete records of all proceedings of the
5-36 Board. Until the appointment of a Secretary, or in the event of his
5-37 absence or inability to act, a secretary pro tem shall be selected
5-38 by the Board. The Board shall also select a General Manager, who
5-39 shall be the chief executive officer of the District, and a
5-40 treasurer. All such officers shall have such powers and duties,
5-41 shall hold office for such term and be subject to removal in such
5-42 manner as may be provided in the by-laws. The Board shall fix the
5-43 compensation of such officers. The Board may appoint such
5-44 officers, agents and employees, fix their compensation and term of
5-45 office and the method by which they may be removed, and delegate to
5-46 them such of its power and duties as it may deem proper.

5-47 SECTION 6. Chapter 75, Acts of the 43rd Legislature, 1st
5-48 Called Session, 1933, is amended by adding Section 5A to read as
5-49 follows:

5-50 Sec. 5A. The Board shall develop and implement policies
5-51 that clearly separate the policymaking responsibilities of the
5-52 Board and the management responsibilities of the general manager
5-53 and the staff of the District.

5-54 SECTION 7. Section 11, Chapter 75, Acts of the 43rd
5-55 Legislature, 1st Called Session, 1933, is amended to read as
5-56 follows:

5-57 Sec. 11. The District shall have power and is hereby
5-58 authorized to issue, from time to time, bonds or notes as herein
5-59 authorized for any corporate purpose. Such bonds or notes
5-60 (hereinafter called 'bonds') may either be (1) sold for cash, at
5-61 public or private sale, at such price or prices as the Board shall
5-62 determine, provided that the interest cost of the money received
5-63 therefor, computed to maturity, shall not exceed ten (10) percent
5-64 per annum, or (2) may be issued on such terms as the Board shall
5-65 determine in exchange for property of any kind, real, personal or
5-66 mixed or any interest therein which the Board shall deem necessary
5-67 or convenient for any such corporate purpose, or (3) may be issued
5-68 in exchange for like principal amounts of other obligations of the
5-69 District, matured or unmatured. The proceeds of sale of such bonds

6-1 shall be deposited in such bank or banks or trust company or trust
 6-2 companies, and shall be paid out pursuant to such terms and
 6-3 conditions, as may be agreed upon between the District and the
 6-4 purchasers of such bonds. All such bonds shall be authorized by
 6-5 resolution or resolutions of the Board concurred in by at least five
 6-6 (5) of the members thereof, and shall bear such date or dates,
 6-7 mature at such time or times, bear interest at such rate or rates
 6-8 which may be fixed, variable, floating or otherwise (not exceeding
 6-9 ten (10) per centum per annum), payable annually, semiannually or
 6-10 otherwise, be in such denominations, be in such form, either coupon
 6-11 or registered, carry such registration privileges as to principal
 6-12 only or as to both principal and interest, and as to exchange of
 6-13 coupon bonds for registered bonds or vice versa, and exchange of
 6-14 bonds of one denomination for bonds of other denominations, be
 6-15 executed in such manner and be payable at such place or places
 6-16 within or without the State of Texas, as such resolution or
 6-17 resolutions may provide. Any resolution or resolutions authorizing
 6-18 any bonds may contain provisions, which shall be part of the
 6-19 contract between the District and the holders thereof from time to
 6-20 time.

6-21 (a) Reserving the right to redeem such bonds or requiring
 6-22 the redemption of such bonds, at such time or times, in such amounts
 6-23 and at such prices, not exceeding one hundred and five per centum
 6-24 (105%) of the principal amount thereof, plus accrued interest, as
 6-25 may be provided;

6-26 (b) Providing for the setting aside of sinking funds or
 6-27 reserve funds and the regulation and disposition thereof;

6-28 (c) Pledging to secure the payment of the principal of and
 6-29 interest on such bonds and of the sinking fund or reserve fund
 6-30 payments agreed to be made in respect of such bonds all or any part
 6-31 of the gross or net revenues thereafter received by the District in
 6-32 respect of the property, real, personal or mixed, to be acquired
 6-33 and/or constructed with such bonds or the proceeds thereof, or all
 6-34 or any part of the gross or net revenues thereafter, received by the
 6-35 District from whatever source derived;

6-36 (d) Prescribing the purposes to which such bonds or any
 6-37 bonds thereafter to be issued, or the proceeds thereof, may be
 6-38 applied;

6-39 (e) Agreeing to fix and collect rates and charges sufficient
 6-40 to produce revenues adequate to pay the items specified in
 6-41 subdivisions (a), (b), (c), (d), and (e) of Section 9 hereof, and
 6-42 prescribing the use and disposition of all revenues;

6-43 (f) Prescribing limitations upon the issuance of additional
 6-44 bonds and subordinate lien bonds and upon the agreements which may
 6-45 be made with the purchasers and successive holders thereof;

6-46 (g) With regard to the construction, extension,
 6-47 improvement, reconstruction, operation, maintenance and repair of
 6-48 the properties of the District and carrying of insurance upon all or
 6-49 any part of said properties covering loss or damage or loss of use
 6-50 and occupancy resulting from specified risks;

6-51 (h) Fixing the procedure, if any, by which, if the District
 6-52 shall so desire, the terms of any contract with the holders of such
 6-53 bonds may be amended or abrogated, the amount of bonds the holders
 6-54 of which must consent thereto, and the manner in which such consent
 6-55 may be given;

6-56 (i) For the execution and delivery by the District to a bank
 6-57 or trust company authorized by law to accept trusts, or to the
 6-58 United States of America or any officer or agency thereof, of [~~or~~]
 6-59 indentures and agreements for the benefit of the holders of such
 6-60 bonds setting forth any or all of the agreements herein authorized
 6-61 to be made with or for the benefit of the holders of such bonds and
 6-62 such other provisions as may be customary in such indentures or
 6-63 agreements; and

6-64 (j) Such other provisions, not inconsistent with the
 6-65 provisions of this Act, as the Board may approve.

6-66 (1) Any such resolution and any indenture or agreement
 6-67 entered into pursuant thereto may provide that in the event that:

6-68 (a) default shall be made in the payment of the
 6-69 interest on any or all bonds when and as the same shall become due

7-1 and payable, or;

7-2 (b) default shall be made in the payment of the

7-3 principal of any or all bonds when and as the same shall become due

7-4 and payable, whether at the maturity thereof, by call for

7-5 redemption or otherwise, or;

7-6 (c) default shall be made in the performance of

7-7 any agreement made with the purchasers or successive holders of any

7-8 bonds;

7-9 (2) And such default shall have continued such period,

7-10 if any, as may be prescribed by said resolution in respect thereof,

7-11 the trustee under the indenture or indentures entered into in

7-12 respect of the bonds authorized thereby, or, if there shall be no

7-13 such indenture, a trustee appointed in the manner provided in such

7-14 resolution or resolutions by the holders of twenty-five per centum

7-15 (25%) in aggregate principal amount of the bonds authorized thereby

7-16 and at that time outstanding, and upon the written request of the

7-17 holders of twenty-five per centum (25%) in aggregate principal

7-18 amount of the bonds authorized by such resolution or resolutions at

7-19 the time outstanding, shall, in his or its own name, but for the

7-20 equal and proportionate benefit of the holders of all the such

7-21 bonds; and with or without having possession thereof;

7-22 (a) by mandamus or other suit, action or

7-23 proceeding at law or in equity, enforce all rights of the holders of

7-24 such bonds;

7-25 (b) bring suit upon such bonds and/or the

7-26 appurtenant coupons;

7-27 (c) by action or suit in equity, require the

7-28 District to account as if it were the trustee of an express trust

7-29 for the bondholders;

7-30 (d) by action or suit in equity, enjoin any acts

7-31 or things which may be unlawful or in violation of the rights of the

7-32 holders of such bonds, and/or;

7-33 (e) after such notice to the District as such

7-34 resolution may provide, declare the principal of all of such bonds

7-35 due and payable, and if all defaults shall have been made good, then

7-36 with the written consent of the holders of twenty-five (25) per

7-37 centum in aggregate principal amount of such bonds at the time

7-38 outstanding, annul such declaration and its consequences;

7-39 provided, however, that the holders of more than a majority in

7-40 principal amount of the bonds authorized thereby and at the time

7-41 outstanding shall by ~~be~~ instrument or instruments in writing

7-42 delivered to such trustee have the right to direct and control any

7-43 and all action taken or to be taken by such trustee under this

7-44 paragraph. Any such resolution, indenture or agreement may provide

7-45 that in any such suit, action, or proceeding, any such trustee,

7-46 whether or not all of such bonds shall have been declared due and

7-47 payable, and with or without possession of any thereof, shall be

7-48 entitled as of right to the appointment of a receiver who may enter

7-49 and take possession of all or any part of the properties of the

7-50 District, and operate and maintain the same, and fix, collect, and

7-51 receive rates and charges sufficient to provide revenues adequate

7-52 to pay the items set forth in subparagraphs (a), (b), (c), (d) and

7-53 (e) of Section 9 hereof and the costs and disbursements of such

7-54 suit, action or proceeding, and to apply such revenues in

7-55 conformity with the provisions of this Act and the resolution or

7-56 resolutions authorizing such bonds. In any suit, action or

7-57 proceeding by any such trustee, the reasonable fees, counsel fees

7-58 and expenses of such trustee and of the receiver or receivers, if

7-59 any, shall constitute taxable disbursements and all costs and

7-60 disbursements allowed by the Court shall be a first charge upon any

7-61 revenues pledged to secure the payment of such bonds. Subject to

7-62 the provisions of the Constitution of the State of Texas, the courts

7-63 of the County of Comal shall have jurisdiction of any suit, action

7-64 or proceeding by any such trustee on behalf of the bondholders and

7-65 of all property involved therein. In addition to the powers

7-66 hereinabove specifically provided for, each such trustee shall have

7-67 and possess all powers necessary or appropriate ~~appropriated~~

7-68 for the exercise of any thereof, or incident to the general

7-69 representation of the bondholders in the enforcement of their

8-1 rights.

8-2 (3) Pending the issuance of definitive bonds, the
8-3 District is authorized to make and issue interim bonds. The interim
8-4 bonds so issued will be taken up with the proceeds of the definitive
8-5 bonds, or the definitive bonds may be issued and delivered in
8-6 exchange for and in substitution of such interim bonds. After any
8-7 such exchange and substitution the District shall file proper
8-8 certificates with the Comptroller of Public Accounts of the State
8-9 of Texas as to such exchange, substitution and cancellation, and
8-10 such certificates shall be recorded by the Comptroller of Public
8-11 Accounts in the same manner as the record of proceedings
8-12 authorizing the issuance of the bonds. The District is also
8-13 authorized to make and issue temporary bonds for the purpose of
8-14 interim financing and to make agreements or other provision to
8-15 refinance such temporary bonds with bonds to provide permanent
8-16 financing at such time, in such manner and on such conditions as may
8-17 be determined by the Board.

8-18 (4) Before any bonds shall be sold by the District, a
8-19 certified copy of the proceedings for the issuance thereof,
8-20 including the form of such bonds, together with any other
8-21 information which the Attorney General of the State of Texas may
8-22 require, shall be submitted to the Attorney General, and if he shall
8-23 find that such bonds have been issued in accordance with law, and if
8-24 he shall approve such bonds, he shall execute a certificate to that
8-25 effect which shall be filed in the office of the Comptroller of the
8-26 State of Texas and be recorded in a record kept for that purpose. No
8-27 bonds shall be issued until the same shall have been registered by
8-28 the Comptroller, who shall so register the same if the Attorney
8-29 General shall have filed with the Comptroller his certificate
8-30 approving the bonds and the proceedings for the issuance thereof as
8-31 hereinabove provided.

8-32 (5) All bonds approved by the Attorney General as
8-33 aforesaid, and registered by the Comptroller as aforesaid, and
8-34 issued in accordance with the proceedings so approved shall be
8-35 valid and binding obligations of the District and shall be
8-36 incontestable for any cause from and after the time of such
8-37 registration.

8-38 (6) If any bonds recite that they are secured by a
8-39 pledge of the proceeds of a contract, lease, sale or other agreement
8-40 (herein called 'contract'), a copy of such contract and the
8-41 proceedings of the contracting parties will also be submitted to
8-42 the Attorney General. If such bonds have been authorized and such
8-43 contracts made in compliance with law, the Attorney General shall
8-44 approve the bonds and contracts, and the bonds shall then be
8-45 registered by the Comptroller of Public Accounts. When so
8-46 approved, such bonds and the contracts shall be valid and binding
8-47 and shall be incontestable for any cause from and after the time of
8-48 such registration.

8-49 (7) The District is authorized to make and issue bonds
8-50 or notes (herein called 'refunding bonds') for the purpose of
8-51 refunding or refinancing any outstanding bonds or notes authorized
8-52 and issued by the District pursuant to this Act or other law (herein
8-53 called 'bonds') and the interest and premium, if any, thereon to
8-54 maturity or on any earlier redemption date specified in the
8-55 resolution authorizing the issuance of the refunding bonds. Such
8-56 refunding bonds may be issued to refund more than one series of
8-57 outstanding bonds, may combine the pledges of the outstanding bonds
8-58 for the security of the refunding bonds or may be secured by other
8-59 or additional revenues. All provisions of this Act with reference
8-60 to the issuance of bonds, the terms and provisions thereof, their
8-61 approval by the Attorney General, and the remedies of the
8-62 bondholders shall be applicable to refunding bonds. Refunding
8-63 bonds shall be registered by the Comptroller upon surrender and
8-64 cancellation of the bonds to be refunded, but in lieu thereof, the
8-65 resolution authorizing the issuance of refunding bonds may provide
8-66 that they shall be sold and the proceeds thereof deposited at the
8-67 places at which the original bonds are payable, in which case the
8-68 refunding bonds may be issued in an amount sufficient to pay the
8-69 interest and premium, if any, on the original bonds to their

9-1 maturity date or specified earlier redemption date, and the
 9-2 Comptroller will register them without concurrence, surrender and
 9-3 cancellation of the original bonds. The District may also refund
 9-4 any outstanding bonds in the manner provided by any applicable
 9-5 General Law.

9-6 SECTION 8. Chapter 75, Acts of the 43rd Legislature, 1st
 9-7 Called Session, 1933, is amended by adding Sections 23, 24, and 25
 9-8 to read as follows:

9-9 Sec. 23. (a) The Board shall develop a policy to encourage
 9-10 the use of appropriate alternative dispute resolution procedures
 9-11 under Chapter 2009, Government Code, to assist in the resolution of
 9-12 internal and external disputes under the District's jurisdiction.

9-13 (b) The District's procedures relating to alternative
 9-14 dispute resolution must conform, to the extent possible, to any
 9-15 model guidelines issued by the State Office of Administrative
 9-16 Hearings for the use of alternative dispute resolution by state
 9-17 agencies.

9-18 (c) The District shall:

9-19 (1) coordinate the implementation of the policy
 9-20 adopted under Subsection (a) of this section;

9-21 (2) provide training as needed to implement the
 9-22 procedures for alternative dispute resolution; and

9-23 (3) collect data concerning the effectiveness of those
 9-24 procedures.

9-25 Sec. 24. (a) The Board shall develop and implement
 9-26 policies that provide the public with a reasonable opportunity to
 9-27 appear before the Board and to speak on any issue under the
 9-28 jurisdiction of the District.

9-29 (b) At each regular meeting of the Board, the Board shall
 9-30 include public testimony as a meeting agenda item and allow members
 9-31 of the public to comment on other agenda items and other matters
 9-32 under the jurisdiction of the District. The Board may not
 9-33 deliberate on or decide a matter not included in the meeting agenda,
 9-34 except that the Board may discuss including the matter on the agenda
 9-35 for a subsequent meeting.

9-36 Sec. 25. (a) The District shall maintain a system to
 9-37 promptly and efficiently act on complaints filed with the District.
 9-38 The District shall maintain information about the parties to and
 9-39 subject matter of the complaint, a summary of the results of the
 9-40 review or investigation of the complaint, and the disposition of
 9-41 the complaint.

9-42 (b) The District shall make information available
 9-43 describing its procedures for complaint investigation and
 9-44 resolution.

9-45 (c) The District shall periodically notify the complaint
 9-46 parties of the status of the complaint until final disposition.

9-47 SECTION 9. Section 8, Chapter 75, Acts of the 43rd
 9-48 Legislature, 1st Called Session, 1933, is repealed.

9-49 SECTION 10. (a) The term of the president of the board of
 9-50 directors of the Guadalupe-Blanco River Authority serving on the
 9-51 effective date of this Act expires September 1, 2019. The director
 9-52 serving as president on the effective date of this Act may continue
 9-53 to serve on the board of directors until the expiration of that
 9-54 director's term.

9-55 (b) Not later than September 2, 2019, the governor shall
 9-56 designate a director as president of the board of directors of the
 9-57 Guadalupe-Blanco River Authority as required by Section 5, Chapter
 9-58 75, Acts of the 43rd Legislature, 1st Called Session, 1933, as
 9-59 amended by this Act.

9-60 SECTION 11. (a) Notwithstanding Section 4A(a), Chapter
 9-61 75, Acts of the 43rd Legislature, 1st Called Session, 1933, as added
 9-62 by this Act, a person serving on the board of directors of the
 9-63 Guadalupe-Blanco River Authority may vote, deliberate, and be
 9-64 counted as a director in attendance at a meeting of the board until
 9-65 December 1, 2019.

9-66 (b) This section expires January 1, 2020.

9-67 SECTION 12. The repeal by this Act of Section 8, Chapter 75,
 9-68 Acts of the 43rd Legislature, 1st Called Session, 1933, does not
 9-69 apply to an offense committed before the effective date of this Act.

10-1 An offense committed before the effective date of this Act is
10-2 governed by the law as it existed on the date the offense was
10-3 committed, and the former law is continued in effect for that
10-4 purpose. For purposes of this section, an offense was committed
10-5 before the effective date of this Act if any element of the offense
10-6 occurred before that date.

10-7 SECTION 13. (a) The legal notice of the intention to
10-8 introduce this Act, setting forth the general substance of this
10-9 Act, has been published as provided by law, and the notice and a
10-10 copy of this Act have been furnished to all persons, agencies,
10-11 officials, or entities to which they are required to be furnished
10-12 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
10-13 Government Code.

10-14 (b) The governor, one of the required recipients, has
10-15 submitted the notice and Act to the Texas Commission on
10-16 Environmental Quality.

10-17 (c) The Texas Commission on Environmental Quality has filed
10-18 its recommendations relating to this Act with the governor, the
10-19 lieutenant governor, and the speaker of the house of
10-20 representatives within the required time.

10-21 (d) All requirements of the constitution and laws of this
10-22 state and the rules and procedures of the legislature with respect
10-23 to the notice, introduction, and passage of this Act are fulfilled
10-24 and accomplished.

10-25 SECTION 14. This Act takes effect September 1, 2019.

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