

1-1 By: Eltife S.B. No. 1902  
1-2 (In the Senate - Filed April 12, 2011; April 13, 2011, read  
1-3 first time and referred to Committee on Natural Resources;  
1-4 April 20, 2011, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 20, 2011,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1902 By: Eltife

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the Riverbend Water Resources District.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 9601.001, Special District Local Laws  
1-13 Code, is amended by adding Subdivision (6) to read as follows:

1-14 (6) "Temporary administrator" means a person  
1-15 appointed under Subchapter B-1.

1-16 SECTION 2. Subchapter A, Chapter 9601, Special District  
1-17 Local Laws Code, is amended by adding Section 9601.008 to read as  
1-18 follows:

1-19 Sec. 9601.008. MEMBER IMMUNITY. A member has immunity from  
1-20 suit and immunity from liability in any action or proceeding  
1-21 brought by another member arising out of or relating to the changes  
1-22 in law made by the Act enacting this section.

1-23 SECTION 3. Section 9601.051, Special District Local Laws  
1-24 Code, is amended by amending Subsections (b) and (f) and adding  
1-25 Subsections (b-1), (b-2), and (g) to read as follows:

1-26 (b) The board consists of five directors, appointed as  
1-27 follows:

1-28 (1) two directors appointed by the City of Texarkana;

1-29 (2) one director appointed by the City of New Boston;

1-30 (3) one director appointed by the Red River

1-31 Redevelopment Authority or its successor; and

1-32 (4) one director appointed by the members not named in

1-33 Subdivisions (1) through (3), including any members added under

1-34 Section 9601.005(b).

1-35 (b-1) The governing body of each member required to [~~shall~~]  
1-36 appoint a director under Subsection (b)(1), (2), or (3) shall  
1-37 appoint the required number of directors to represent the member on  
1-38 the board. The members not named in Subsections (b)(1) through (3)  
1-39 shall appoint a single director in the manner provided by  
1-40 Subsection (b-2) to represent those members on the board. A [~~and~~  
1-41 shall promptly fill a] vacancy in a [~~that~~] board position shall be  
1-42 promptly filled in accordance with the [~~member's~~] policies,  
1-43 resolutions, and procedures of the applicable member or members.

1-44 (b-2) The members not named in Subsections (b)(1) through  
1-45 (3) may each nominate a person qualified to serve as a director.  
1-46 The governing body of each of those members shall cast one vote for  
1-47 a candidate chosen from the list of nominees. The nominee receiving  
1-48 a majority of the votes cast by the governing bodies of those  
1-49 members becomes the director representing those members on the  
1-50 board.

1-51 (f) A director may not serve more than two consecutive  
1-52 terms. A former director may not serve again before the fourth  
1-53 anniversary of the last day of the director's previous term.

1-54 (g) The initial directors shall draw lots to achieve  
1-55 staggered terms, with three of the directors serving three-year  
1-56 terms and two of the directors serving four-year terms.

1-57 SECTION 4. Section 9601.052, Special District Local Laws  
1-58 Code, is amended to read as follows:

1-59 Sec. 9601.052. QUALIFICATIONS FOR OFFICE. (a) To be  
1-60 eligible to be appointed or to serve as a director, a person must be  
1-61 a resident, qualified voter of the district.

1-62 (b) A person is not eligible to be appointed or to serve as a  
1-63 director while the person:

2-1 (1) is serving as an elected official of a political  
2-2 subdivision or other governmental body; or  
2-3 (2) is an employee of a member.

2-4 SECTION 5. Section 9601.057, Special District Local Laws  
2-5 Code, is amended to read as follows:

2-6 Sec. 9601.057. RECALL. (a) A director appointed under  
2-7 Section 9601.051(b)(1), (2), or (3) may be recalled at any time by a  
2-8 two-thirds vote of the governing body of the member that appointed  
2-9 the director.

2-10 (b) A director appointed under Section 9601.051(b)(4) may  
2-11 be recalled by a two-thirds vote of the members that appoint a  
2-12 director under that section.

2-13 SECTION 6. Chapter 9601, Special District Local Laws Code,  
2-14 is amended by adding Subchapter B-1 to read as follows:

2-15 SUBCHAPTER B-1. TEMPORARY ADMINISTRATOR  
2-16 Sec. 9601.071. DEFINITION. In this subchapter,  
2-17 "commission" means the Texas Commission on Environmental Quality.

2-18 Sec. 9601.072. APPOINTMENT. On the effective date of the  
2-19 Act enacting this subchapter, Clyde M. Siebman is appointed as  
2-20 temporary administrator for the district, and the term of each  
2-21 person who is serving as a director expires on that date.

2-22 Sec. 9601.073. TERM. (a) The temporary administrator  
2-23 shall serve until the 180th day after the date that a board  
2-24 conforming to the structure described by Section 9601.051(b), as  
2-25 amended by the Act enacting this subchapter, is appointed and the  
2-26 directors have qualified.

2-27 (b) The commission may extend the term of the temporary  
2-28 administrator if the commission determines, after consultation  
2-29 with each state senator and representative who represents a  
2-30 district that includes territory in the district, that an extension  
2-31 is necessary to manage the transition between boards.

2-32 Sec. 9601.074. POWERS AND DUTIES. (a) The temporary  
2-33 administrator shall have the same powers and duties as the board,  
2-34 except that the temporary administrator may not issue bonds.

2-35 (b) The temporary administrator shall:

2-36 (1) complete an inventory of:  
2-37 (A) the contracts to which the district is a  
2-38 party, including an evaluation of the benefit to the district of  
2-39 each contract; and

2-40 (B) district assets and liabilities;  
2-41 (2) retrieve district assets that are in the  
2-42 possession or under the control of persons not authorized by the  
2-43 temporary administrator, including keys, passwords, books,  
2-44 records, and personal, real, and intangible property;

2-45 (3) work to secure and protect the assets of the  
2-46 district;

2-47 (4) obtain a financial audit of the district;

2-48 (5) determine the current operational, functional,  
2-49 and financial condition of the district;

2-50 (6) recruit a qualified executive director and other  
2-51 management personnel;

2-52 (7) provide oversight and supervision of the board;

2-53 (8) provide for a program to educate the incoming  
2-54 board and management personnel on laws applicable to the district,  
2-55 sound management strategies, negotiation skills, conflict of  
2-56 interest policies and law, financial integrity, and contracting  
2-57 issues;

2-58 (9) develop and implement strategies to carry out the  
2-59 purposes of the district and to provide a safe, secure, and  
2-60 plentiful supply of water for use within the northeast area of this  
2-61 state;

2-62 (10) review and accept new member petitions from  
2-63 political subdivisions; and

2-64 (11) at least every three months, report to the  
2-65 commission on the progress of the duties described by this section.

2-66 (c) In the period after the appointment of a new board and  
2-67 before the end of the temporary administrator's term, the temporary  
2-68 administrator shall work cooperatively with the board in performing  
2-69 the duties under Subsection (b).

3-1 Sec. 9601.075. PERSONNEL. The temporary administrator may  
 3-2 employ persons to assist the temporary administrator in carrying  
 3-3 out the duties assigned by this subchapter.

3-4 Sec. 9601.076. COMPENSATION AND REIMBURSEMENT. (a) The  
 3-5 temporary administrator and any person hired under Section 9601.075  
 3-6 is entitled to reasonable compensation, based on the education,  
 3-7 training, and experience of the person, and reimbursement of the  
 3-8 reasonable and necessary expenses incurred in carrying out the  
 3-9 duties assigned by this subchapter.

3-10 (b) The district shall pay the cost of compensation and  
 3-11 reimbursement.

3-12 (c) The amount of compensation and reimbursement shall be  
 3-13 determined by agreement of the temporary administrator and the  
 3-14 board, except that before the appointment and qualification of the  
 3-15 board as provided by Section 9601.051, as amended by the Act  
 3-16 enacting this subchapter, the amount of compensation and  
 3-17 reimbursement shall be determined by agreement of the temporary  
 3-18 administrator and the executive director of the commission. In the  
 3-19 event an agreement cannot be reached, the commission shall  
 3-20 determine the compensation and reimbursement, after obtaining the  
 3-21 approval of each state senator and representative who represents a  
 3-22 district that includes territory in the district.

3-23 Sec. 9601.077. REMOVAL AND REPLACEMENT. The commission  
 3-24 may, after obtaining the consent of each state senator and  
 3-25 representative who represents a district that includes territory in  
 3-26 the district, remove the temporary administrator and:

3-27 (1) appoint a new temporary administrator; or

3-28 (2) return control of the district to the board.

3-29 Sec. 9601.078. IMMUNITY FROM SUIT. For acts or omissions  
 3-30 undertaken in the course and scope of carrying out the duties  
 3-31 assigned by this subchapter, the temporary administrator is  
 3-32 entitled to the same immunity from suit and liability that applies  
 3-33 to a state district judge acting in a judicial capacity.

3-34 Sec. 9601.079. EXPIRATION OF SECTIONS. Sections 9601.071  
 3-35 through 9601.077 and this section expire September 1, 2013.

3-36 SECTION 7. Subsection (a), Section 9601.104, Special  
 3-37 District Local Laws Code, is amended to read as follows:

3-38 (a) A person, entity, public agency, [~~or a~~] county,  
 3-39 municipality, or other political subdivision of this state or  
 3-40 another state may enter into a contract or agreement with the  
 3-41 district, on terms agreed to by the parties, for:

3-42 (1) the purchase or sale of water;

3-43 (2) waste collection, transportation, processing, or  
 3-44 disposal; or

3-45 (3) any purpose relating to the district's powers or  
 3-46 functions.

3-47 SECTION 8. Subsection (d), Section 9601.051, and Section  
 3-48 9601.059, Special District Local Laws Code, are repealed.

3-49 SECTION 9. Not sooner than the 150th day and not later than  
 3-50 the 180th day after the effective date of this Act, the City of  
 3-51 Texarkana, the City of New Boston, the Red River Redevelopment  
 3-52 Authority or its successor, and the members described by Section  
 3-53 9601.051, Special District Local Laws Code, as amended by this Act,  
 3-54 shall appoint members, as appropriate, to the board of directors of  
 3-55 the Riverbend Water Resources District.

3-56 SECTION 10. (a) The legal notice of the intention to  
 3-57 introduce this Act, setting forth the general substance of this  
 3-58 Act, has been published as provided by law, and the notice and a  
 3-59 copy of this Act have been furnished to all persons, agencies,  
 3-60 officials, or entities to which they are required to be furnished  
 3-61 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
 3-62 Government Code.

3-63 (b) The governor has submitted the notice and Act to the  
 3-64 Texas Commission on Environmental Quality.

3-65 (c) The Texas Commission on Environmental Quality has filed  
 3-66 its recommendations relating to this Act with the governor,  
 3-67 lieutenant governor, and speaker of the house of representatives  
 3-68 within the required time.

3-69 (d) All requirements of the constitution and laws of this

4-1 state and the rules and procedures of the legislature with respect  
4-2 to the notice, introduction, and passage of this Act are fulfilled  
4-3 and accomplished.

4-4 SECTION 11. This Act takes effect immediately if it  
4-5 receives a vote of two-thirds of all the members elected to each  
4-6 house, as provided by Section 39, Article III, Texas Constitution.  
4-7 If this Act does not receive the vote necessary for immediate  
4-8 effect, this Act takes effect September 1, 2011.

4-9

\* \* \* \* \*