

By: Birdwell

S.B. No. 863

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the audit of river authorities by the state auditor's
3 office.

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

5 SECTION 1. STATE AUDIT OF RIVER AUTHORITIES. Section
6 321.013(a), Government Code, is amended to read as follows:

7 (a) The State Auditor shall conduct audits of all
8 departments, including institutions of higher education, and of
9 river authorities listed in Section 321.0139, as specified in the
10 audit plan. At the direction of the committee, the State Auditor
11 shall conduct an audit or investigation of any entity receiving
12 funds from the state.

13 SECTION 2. STATE AUDITOR. Chapter 321, Government Code, is
14 amended by adding Section 321.0139 to read as follows:

15 Sec. 321.0139. RIVER AUTHORITIES SUBJECT TO ECONOMY AND
16 EFFICIENCY AUDIT. (a) A river authority listed in Subsection (b)
17 is subject to an economy and efficiency audit under this chapter as
18 if it were a state agency.

19 (b) This section applies to the following river authorities
20 in compliance with the reporting deadlines imposed by the enabling
21 legislation of the applicable authority:

22 (1) Angelina and Neches River Authority;

23 (2) Bandera County River Authority and Groundwater
24 District;

- 1 (3) Brazos River Authority;
- 2 (4) Central Colorado River Authority;
- 3 (5) Guadalupe-Blanco River Authority;
- 4 (6) Lavaca-Navidad River Authority;
- 5 (7) Lower Colorado River Authority;
- 6 (8) Lower Neches Valley Authority;
- 7 (9) Nueces River Authority;
- 8 (10) Palo Duro River Authority;
- 9 (11) Red River Authority of Texas;
- 10 (12) Sabine River Authority of Texas;
- 11 (13) San Antonio River Authority;
- 12 (14) San Jacinto River Authority;
- 13 (15) Sulphur River Basin Authority;
- 14 (16) Trinity River Authority of Texas;
- 15 (17) Upper Colorado River Authority; and
- 16 (18) Upper Guadalupe River Authority.

17 (c) At a reasonable time in advance of an economy and
18 efficiency audit of a river authority, the state auditor shall
19 provide the governing body of the authority with written
20 information relating to the procedures for and scope of the audit.
21 The state auditor shall include in the materials information
22 describing:

- 23 (1) how the appropriate representatives of the
24 authority may participate in the audit planning process; and
- 25 (2) how the authority may request information or
26 assistance in preparing for the audit from the state auditor.

27 (d) The state auditor shall seek the recommendations of the

1 Legislative Budget Board in preparing materials to be provided
2 under Subsection (c).

3 (e) A river authority shall pay the cost incurred by the
4 state auditor in conducting an audit of the authority under this
5 section. The state auditor shall determine the cost, and the
6 authority shall pay the amount promptly on receipt of a statement
7 from the state auditor detailing the cost.

8 SECTION 3. ANGELINA AND NECHES RIVER AUTHORITY. Subchapter
9 E, Chapter 8501, Special District Local Laws Code, is amended by
10 adding Section 8501.2025 to read as follows:

11 Sec. 8501.2025. STATE AUDIT. The authority is subject to
12 audit under Chapter 321, Government Code. The state auditor shall
13 file the audit report required by Section 321.014, Government Code,
14 not later than September 1, 2017, and every fifth year after that
15 year.

16 SECTION 4. BANDERA COUNTY RIVER AUTHORITY AND GROUNDWATER
17 DISTRICT. Chapter 629, Acts of the 62nd Legislature, Regular
18 Session, 1971, is amended by adding Section 3A to read as follows:

19 Sec. 3A. The district is subject to audit under Chapter 321,
20 Government Code. The state auditor shall file the audit report
21 required by Section 321.014, Government Code, not later than
22 September 1, 2017, and every fifth year after that year.

23 SECTION 5. BRAZOS RIVER AUTHORITY. Chapter 8502, Special
24 District Local Laws Code, is amended by adding Section 8502.021 to
25 read as follows:

26 Sec. 8502.021. STATE AUDIT. The authority is subject to
27 audit under Chapter 321, Government Code. The state auditor shall

1 file the audit report required by Section 321.014, Government Code,
2 not later than September 1, 2017, and every fifth year after that
3 year.

4 SECTION 6. CENTRAL COLORADO RIVER AUTHORITY. Subchapter D,
5 Chapter 8505, Special District Local Laws Code, is amended by
6 adding Section 8505.1535 to read as follows:

7 Sec. 8505.1535. STATE AUDIT. The authority is subject to
8 audit under Chapter 321, Government Code. The state auditor shall
9 file the audit report required by Section 321.014, Government Code,
10 not later than September 1, 2017, and every fifth year after that
11 year.

12 SECTION 7. GUADALUPE-BLANCO RIVER AUTHORITY. Chapter 75,
13 Acts of the 43rd Legislature, 1st Called Session, 1933, is amended
14 by adding Section 7A to read as follows:

15 Sec. 7A. The District is subject to audit under Chapter 321,
16 Government Code. The state auditor shall file the audit report
17 required by Section 321.014, Government Code, not later than
18 September 1, 2019, and every fifth year after that year.

19 SECTION 8. LAVACA-NAVIDAD RIVER AUTHORITY. Chapter 186,
20 Acts of the 50th Legislature, Regular Session, 1947, is amended by
21 adding Section 3A to read as follows:

22 Sec. 3A. The District is subject to audit under Chapter 321,
23 Government Code. The state auditor shall file the audit report
24 required by Section 321.014, Government Code, not later than
25 September 1, 2019, and every fifth year after that year.

26 SECTION 9. LOWER COLORADO RIVER AUTHORITY. Section
27 8503.015, Special District Local Laws Code, is amended to read as

1 follows:

2 Sec. 8503.015. AUDITS [~~AUDIT~~]. (a) The authority is
3 subject to the audit provisions of:

- 4 (1) Subchapter G, Chapter 49, Water Code; and
5 (2) Section 321.0139, Government Code.

6 (b) The state auditor shall file the audit report required
7 by Section 321.014, Government Code, not later than September 1,
8 2019, and every fifth year after that year.

9 SECTION 10. LOWER NECHES VALLEY AUTHORITY. Subchapter F,
10 Chapter 8504, Special District Local Laws Code, is amended by
11 adding Section 8504.253 to read as follows:

12 Sec. 8504.253. STATE AUDIT. The authority is subject to
13 audit under Chapter 321, Government Code. The state auditor shall
14 file the audit report required by Section 321.014, Government Code,
15 not later than September 1, 2019, and every fifth year after that
16 year.

17 SECTION 11. NUECES RIVER AUTHORITY. Chapter 427, Acts of
18 the 44th Legislature, 1st Called Session, 1935, is amended by
19 adding Section 2.105 to read as follows:

20 Sec. 2.105. STATE AUDIT. The authority is subject to audit
21 under Chapter 321, Government Code. The state auditor shall file
22 the audit report required by Section 321.014, Government Code, not
23 later than September 1, 2021, and every fifth year after that year.

24 SECTION 12. PALO DURO RIVER AUTHORITY. Chapter 438, Acts of
25 the 63rd Legislature, Regular Session, 1973, is amended by adding
26 Section 19A to read as follows:

27 Sec. 19A. The Authority is subject to audit under Chapter

1 321, Government Code. The state auditor shall file the audit report
2 required by Section 321.014, Government Code, not later than
3 September 1, 2021, and every fifth year after that year.

4 SECTION 13. RED RIVER AUTHORITY OF TEXAS. Chapter 279, Acts
5 of the 56th Legislature, Regular Session, 1959, is amended by
6 adding Section 9A to read as follows:

7 Sec. 9A. The Authority is subject to audit under Chapter
8 321, Government Code. The state auditor shall file the audit report
9 required by Section 321.014, Government Code, not later than
10 September 1, 2021, and every fifth year after that year.

11 SECTION 14. SABINE RIVER AUTHORITY OF TEXAS. Chapter 110,
12 Acts of the 51st Legislature, Regular Session, 1949, is amended by
13 adding Section 9C to read as follows:

14 Sec. 9C. The district is subject to audit under Chapter 321,
15 Government Code. The state auditor shall file the audit report
16 required by Section 321.014, Government Code, not later than
17 September 1, 2023, and every fifth year after that year.

18 SECTION 15. SAN ANTONIO RIVER AUTHORITY. Chapter 276, Acts
19 of the 45th Legislature, Regular Session, 1937, is amended by
20 adding Section 14-b to read as follows:

21 Sec. 14-b. STATE AUDIT. The District is subject to audit
22 under Chapter 321, Government Code. The state auditor shall file
23 the audit report required by Section 321.014, Government Code, not
24 later than September 1, 2023, and every fifth year after that year.

25 SECTION 16. SAN JACINTO RIVER AUTHORITY. Chapter 426, Acts
26 of the 45th Legislature, Regular Session, 1937, is amended by
27 adding Section 6A to read as follows:

1 Sec. 6A. The District is subject to audit under Chapter 321,
2 Government Code. The state auditor shall file the audit report
3 required by Section 321.014, Government Code, not later than
4 September 1, 2023, and every fifth year after that year.

5 SECTION 17. SULPHUR RIVER BASIN AUTHORITY. Chapter 3, Acts
6 of the 69th Legislature, 1st Called Session, 1985, is amended by
7 adding Section 46A to read as follows:

8 Sec. 46A. STATE AUDIT. The authority is subject to audit
9 under Chapter 321, Government Code. The state auditor shall file
10 the audit report required by Section 321.014, Government Code, not
11 later than September 1, 2023, and every fifth year after that year.

12 SECTION 18. TRINITY RIVER AUTHORITY OF TEXAS. Chapter 518,
13 Acts of the 54th Legislature, Regular Session, 1955, is amended by
14 adding Section 19A to read as follows:

15 Sec. 19A. The Authority is subject to audit under Chapter
16 321, Government Code. The state auditor shall file the audit report
17 required by Section 321.014, Government Code, not later than
18 September 1, 2023, and every fifth year after that year.

19 SECTION 19. UPPER COLORADO RIVER AUTHORITY. Chapter 126,
20 General Laws, Acts of the 44th Legislature, Regular Session, 1935,
21 is amended by adding Section 6A to read as follows:

22 Sec. 6A. The District is subject to audit under Chapter 321,
23 Government Code. The state auditor shall file the audit report
24 required by Section 321.014, Government Code, not later than
25 September 1, 2021, and every fifth year after that year.

26 SECTION 20. UPPER GUADALUPE RIVER AUTHORITY. Chapter 5,
27 page 1062, Special Laws, Acts of the 46th Legislature, Regular

1 Session, 1939, is amended by adding Section 5A to read as follows:

2 Sec. 5A. The District is subject to audit under Chapter 321,
3 Government Code. The state auditor shall file the audit report
4 required by Section 321.014, Government Code, not later than
5 September 1, 2021, and every fifth year after that year.

6 SECTION 21. AUDIT OF RIVER AUTHORITIES. Subchapter G,
7 Chapter 49, Water Code, is amended by adding Section 49.1992 to read
8 as follows:

9 Sec. 49.1992. AUDIT OF RIVER AUTHORITIES. (a) A district
10 that is a river authority is subject to an economy and efficiency
11 audit by the state auditor's office under Section 321.0139,
12 Government Code.

13 (b) The state auditor's participation under this section is
14 subject to approval by the legislative audit committee for
15 inclusion in the audit plan under Section 321.013(c), Government
16 Code.

17 SECTION 22. TRANSITION. (a) Subject to approval by the
18 Legislative Audit Committee for inclusion in the audit plan under
19 Section 321.013(c), Government Code, the state auditor shall
20 conduct economy and efficiency audits of the river authorities
21 listed in Section 321.0139, Government Code, as added by this Act.

22 (b) A river authority audited under Chapter 321, Government
23 Code, as amended by this Act, shall cooperate and provide
24 assistance and access to all necessary records, confidential or
25 nonconfidential, to the state auditor in conducting the audit.

26 SECTION 23. EFFECTIVE DATE. This Act takes effect
27 immediately if it receives a vote of two-thirds of all the members

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1 elected to each house, as provided by Section 39, Article III, Texas
2 Constitution. If this Act does not receive the vote necessary for
3 immediate effect, this Act takes effect September 1, 2015.