

By: Flynn

H.B. No. 1921

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the functions and territory of the Upper Colorado River
3 Authority, following the recommendations of the Sunset Advisory
4 Commission.

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

6 SECTION 1. Section 8506.003, Special District Local Laws
7 Code, is amended to read as follows:

8 Sec. 8506.003. TERRITORY. Unless modified under
9 Subchapter J, Chapter 49, Water Code, or other law, the authority's
10 territory consists of that part of this state included in the
11 boundaries of Coke, Concho, Crockett, Glasscock, Irion, Menard,
12 Mitchell, Nolan, Reagan, Runnels, Schleicher, Sterling, Taylor,
13 and Tom Green Counties.

14 SECTION 2. Subchapter A, Chapter 8506, Special District
15 Local Laws Code, is amended by adding Section 8506.0021 to read as
16 follows:

17 Sec. 8506.0021. APPLICATION OF SUNSET ACT. (a) The
18 authority is subject to review under Chapter 325, Government Code
19 (Texas Sunset Act), but may not be abolished under that chapter.
20 The review shall be conducted under Section 325.025, Government
21 Code, as if the authority were a state agency scheduled to be
22 abolished September 1, 2029, and every 12th year after that year.

23 (b) The authority shall pay the cost incurred by the Sunset
24 Advisory Commission in performing the review. The Sunset Advisory

1 Commission shall determine the cost, and the authority shall pay
2 the amount promptly on receipt of a statement from the Sunset
3 Advisory Commission detailing the cost.

4 SECTION 3. Section 8506.051, Special District Local Laws
5 Code, is amended by amending Subsection (c) and adding Subsection
6 (d) to read as follows:

7 (c) Each director must be a resident of a county located in
8 the authority's territory. The governor shall attempt to achieve
9 geographic representation throughout [~~Three directors must be~~
10 ~~residents of Tom Green County, three directors must be residents of~~
11 ~~Coke County, and three directors must be residents of counties~~
12 ~~contiguous to the authority or a county any part of which is within~~
13 ~~25 miles of~~] the authority in the appointment of directors.

14 (d) The governor shall designate a member of the board as
15 the presiding officer of the board to serve in that capacity at the
16 pleasure of the governor.

17 SECTION 4. Section 8506.056(a), Special District Local Laws
18 Code, is amended to read as follows:

19 (a) The board shall select a secretary [~~a presiding~~
20 ~~officer,~~] and a treasurer. The treasurer may also hold the office
21 of secretary.

22 SECTION 5. Subchapter B, Chapter 8506, Special District
23 Local Laws Code, is amended by adding Sections 8506.060, 8506.061,
24 8506.062, and 8506.063 to read as follows:

25 Sec. 8506.060. DIRECTOR TRAINING PROGRAM. (a) A person who
26 is appointed to and qualifies for office as a director may not vote,
27 deliberate, or be counted as a director in attendance at a meeting

1 of the board until the person completes a training program that
2 complies with this section.

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

5 (1) the law governing authority operations;

6 (2) the programs, functions, rules, and budget of the
7 authority;

8 (3) the scope of and limitations on the rulemaking
9 authority of the authority;

10 (4) the results of the most recent formal audit of the
11 authority;

12 (5) the requirements of:

13 (A) laws relating to open meetings, public
14 information, administrative procedure, and disclosing conflicts of
15 interest; and

16 (B) other laws applicable to directors of a river
17 authority in performing their duties; and

18 (6) any applicable ethics policies adopted by the
19 authority or the Texas Ethics Commission.

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

24 (d) The board shall create a training manual that includes
25 the information required by Subsection (b). The board shall
26 distribute a copy of the training manual annually to each director.
27 On receipt of the training manual, each director shall sign and

1 submit to the board a statement acknowledging receipt of the
2 training manual.

3 Sec. 8506.061. SEPARATION OF POLICYMAKING AND MANAGEMENT
4 FUNCTIONS. The board shall develop and implement policies that
5 clearly separate the policymaking responsibilities of the board and
6 the management responsibilities of the general manager and staff of
7 the authority.

8 Sec. 8506.062. NEGOTIATED RULEMAKING AND ALTERNATIVE
9 DISPUTE RESOLUTION. (a) The board shall develop a policy to
10 encourage the use of:

11 (1) negotiated rulemaking procedures under Chapter
12 2008, Government Code, for the adoption of authority rules; and

13 (2) appropriate alternative dispute resolution
14 procedures under Chapter 2009, Government Code, to assist in the
15 resolution of internal and external disputes under the authority's
16 jurisdiction.

17 (b) The authority's procedures relating to alternative
18 dispute resolution must conform, to the extent possible, to any
19 model guidelines issued by the State Office of Administrative
20 Hearings for the use of alternative dispute resolution by state
21 agencies.

22 (c) The authority shall:

23 (1) coordinate the implementation of the policy
24 adopted under Subsection (a);

25 (2) provide training as needed to implement the
26 procedures for negotiated rulemaking or alternative dispute
27 resolution; and

1 (3) collect data concerning the effectiveness of those
2 procedures.

3 Sec. 8506.063. PUBLIC COMMENT POLICY. The board shall
4 develop and implement policies that provide the public with a
5 reasonable opportunity to appear before the board and to speak on
6 any agenda item at board meetings.

7 SECTION 6. Subchapter C, Chapter 8506, Special District
8 Local Laws Code, is amended by adding Section 8506.116 to read as
9 follows:

10 Sec. 8506.116. COMPLAINTS. (a) The authority shall
11 maintain a system to promptly and efficiently act on complaints
12 filed with the authority. The authority shall maintain information
13 about parties to the complaint, the subject matter of the
14 complaint, a summary of the results of the review or investigation
15 of the complaint, and its disposition.

16 (b) The authority shall make information available
17 describing its procedures for complaint investigation and
18 resolution.

19 (c) The authority shall periodically notify the complaint
20 parties of the status of the complaint until final disposition.

21 SECTION 7. Section 1A, Chapter 126, General Laws, Acts of
22 the 44th Legislature, Regular Session, 1935, is repealed.

23 SECTION 8. (a) Notwithstanding Section 8506.060(a),
24 Special District Local Laws Code, as added by this Act, a person
25 serving on the board of directors of the Upper Colorado River
26 Authority may vote, deliberate, and be counted as a director in
27 attendance at a meeting of the board until December 1, 2017.

1 (b) This section expires January 1, 2018.

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

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

12 (c) The Texas Commission on Environmental Quality has filed
13 its recommendations relating to this Act with the governor, the
14 lieutenant governor, and the speaker of the house of
15 representatives within the required time.

16 (d) All requirements of the constitution and laws of this
17 state and the rules and procedures of the legislature with respect
18 to the notice, introduction, and passage of this Act are fulfilled
19 and accomplished.

20 SECTION 10. This Act takes effect September 1, 2017.