

1-1 By: Flynn (Senate Sponsor - Nichols) H.B. No. 1921
 1-2 (In the Senate - Received from the House May 1, 2017;
 1-3 May 11, 2017, read first time and referred to Committee on
 1-4 Agriculture, Water & Rural Affairs; May 16, 2017, reported
 1-5 favorably by the following vote: Yeas 7, Nays 0; May 16, 2017,
 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 A BILL TO BE ENTITLED
 1-17 AN ACT

1-18 relating to the functions and territory of the Upper Colorado River
 1-19 Authority, following the recommendations of the Sunset Advisory
 1-20 Commission.

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

1-22 SECTION 1. Section 8506.003, Special District Local Laws
 1-23 Code, is amended to read as follows:

1-24 Sec. 8506.003. TERRITORY. Unless modified under
 1-25 Subchapter J, Chapter 49, Water Code, or other law, the authority's
 1-26 territory consists of that part of this state included in the
 1-27 boundaries of Coke, Concho, Crockett, Glasscock, Irion, Menard,
 1-28 Mitchell, Nolan, Reagan, Runnels, Schleicher, Sterling, Taylor,
 1-29 and Tom Green Counties.

1-30 SECTION 2. Subchapter A, Chapter 8506, Special District
 1-31 Local Laws Code, is amended by adding Section 8506.0021 to read as
 1-32 follows:

1-33 Sec. 8506.0021. APPLICATION OF SUNSET ACT. (a) The
 1-34 authority is subject to review under Chapter 325, Government Code
 1-35 (Texas Sunset Act), but may not be abolished under that chapter.
 1-36 The review shall be conducted under Section 325.025, Government
 1-37 Code, as if the authority were a state agency scheduled to be
 1-38 abolished September 1, 2029, and every 12th year after that year.

1-39 (b) The authority shall pay the cost incurred by the Sunset
 1-40 Advisory Commission in performing the review. The Sunset Advisory
 1-41 Commission shall determine the cost, and the authority shall pay
 1-42 the amount promptly on receipt of a statement from the Sunset
 1-43 Advisory Commission detailing the cost.

1-44 SECTION 3. Section 8506.051, Special District Local Laws
 1-45 Code, is amended by amending Subsection (c) and adding Subsection
 1-46 (d) to read as follows:

1-47 (c) Each director must be a resident of a county located in
 1-48 the authority's territory. The governor shall attempt to achieve
 1-49 geographic representation throughout [~~Three directors must be~~
 1-50 ~~residents of Tom Green County, three directors must be residents of~~
 1-51 ~~Coke County, and three directors must be residents of counties~~
 1-52 ~~contiguous to the authority or a county any part of which is within~~
 1-53 ~~25 miles of] the authority in the appointment of directors.~~

1-54 (d) The governor shall designate a member of the board as
 1-55 the presiding officer of the board to serve in that capacity at the
 1-56 pleasure of the governor.

1-57 SECTION 4. Section 8506.056(a), Special District Local Laws
 1-58 Code, is amended to read as follows:

1-59 (a) The board shall select a secretary [~~a presiding~~
 1-60 ~~officer,~~] and a treasurer. The treasurer may also hold the office
 1-61 of secretary.

2-1 SECTION 5. Subchapter B, Chapter 8506, Special District
2-2 Local Laws Code, is amended by adding Sections 8506.060, 8506.061,
2-3 8506.062, and 8506.063 to read as follows:

2-4 Sec. 8506.060. DIRECTOR TRAINING PROGRAM. (a) A person who
2-5 is appointed to and qualifies for office as a director may not vote,
2-6 deliberate, or be counted as a director in attendance at a meeting
2-7 of the board until the person completes a training program that
2-8 complies with this section.

2-9 (b) The training program must provide the person with
2-10 information regarding:

2-11 (1) the law governing authority operations;

2-12 (2) the programs, functions, rules, and budget of the
2-13 authority;

2-14 (3) the scope of and limitations on the rulemaking
2-15 authority of the authority;

2-16 (4) the results of the most recent formal audit of the
2-17 authority;

2-18 (5) the requirements of:

2-19 (A) laws relating to open meetings, public
2-20 information, administrative procedure, and disclosing conflicts of
2-21 interest; and

2-22 (B) other laws applicable to directors of a river
2-23 authority in performing their duties; and

2-24 (6) any applicable ethics policies adopted by the
2-25 authority or the Texas Ethics Commission.

2-26 (c) A person appointed to the board is entitled to
2-27 reimbursement by the authority for travel expenses incurred in
2-28 attending the training program regardless of whether attendance at
2-29 the program occurs before or after the person qualifies for office.

2-30 (d) The board shall create a training manual that includes
2-31 the information required by Subsection (b). The board shall
2-32 distribute a copy of the training manual annually to each director.
2-33 On receipt of the training manual, each director shall sign and
2-34 submit to the board a statement acknowledging receipt of the
2-35 training manual.

2-36 Sec. 8506.061. SEPARATION OF POLICYMAKING AND MANAGEMENT
2-37 FUNCTIONS. The board shall develop and implement policies that
2-38 clearly separate the policymaking responsibilities of the board and
2-39 the management responsibilities of the general manager and staff of
2-40 the authority.

2-41 Sec. 8506.062. NEGOTIATED RULEMAKING AND ALTERNATIVE
2-42 DISPUTE RESOLUTION. (a) The board shall develop a policy to
2-43 encourage the use of:

2-44 (1) negotiated rulemaking procedures under Chapter
2-45 2008, Government Code, for the adoption of authority rules; and

2-46 (2) appropriate alternative dispute resolution
2-47 procedures under Chapter 2009, Government Code, to assist in the
2-48 resolution of internal and external disputes under the authority's
2-49 jurisdiction.

2-50 (b) The authority's procedures relating to alternative
2-51 dispute resolution must conform, to the extent possible, to any
2-52 model guidelines issued by the State Office of Administrative
2-53 Hearings for the use of alternative dispute resolution by state
2-54 agencies.

2-55 (c) The authority shall:

2-56 (1) coordinate the implementation of the policy
2-57 adopted under Subsection (a);

2-58 (2) provide training as needed to implement the
2-59 procedures for negotiated rulemaking or alternative dispute
2-60 resolution; and

2-61 (3) collect data concerning the effectiveness of those
2-62 procedures.

2-63 Sec. 8506.063. PUBLIC COMMENT POLICY. The board shall
2-64 develop and implement policies that provide the public with a
2-65 reasonable opportunity to appear before the board and to speak on
2-66 any agenda item at board meetings.

2-67 SECTION 6. Subchapter C, Chapter 8506, Special District
2-68 Local Laws Code, is amended by adding Section 8506.116 to read as
2-69 follows:

3-1 Sec. 8506.116. COMPLAINTS. (a) The authority shall
3-2 maintain a system to promptly and efficiently act on complaints
3-3 filed with the authority. The authority shall maintain information
3-4 about parties to the complaint, the subject matter of the
3-5 complaint, a summary of the results of the review or investigation
3-6 of the complaint, and its disposition.

3-7 (b) The authority shall make information available
3-8 describing its procedures for complaint investigation and
3-9 resolution.

3-10 (c) The authority shall periodically notify the complaint
3-11 parties of the status of the complaint until final disposition.

3-12 SECTION 7. Section 1A, Chapter 126, General Laws, Acts of
3-13 the 44th Legislature, Regular Session, 1935, is repealed.

3-14 SECTION 8. (a) Notwithstanding Section 8506.060(a),
3-15 Special District Local Laws Code, as added by this Act, a person
3-16 serving on the board of directors of the Upper Colorado River
3-17 Authority may vote, deliberate, and be counted as a director in
3-18 attendance at a meeting of the board until December 1, 2017.

3-19 (b) This section expires January 1, 2018.

3-20 SECTION 9. (a) The legal notice of the intention to
3-21 introduce this Act, setting forth the general substance of this
3-22 Act, has been published as provided by law, and the notice and a
3-23 copy of this Act have been furnished to all persons, agencies,
3-24 officials, or entities to which they are required to be furnished
3-25 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3-26 Government Code.

3-27 (b) The governor, one of the required recipients, has
3-28 submitted the notice and Act to the Texas Commission on
3-29 Environmental Quality.

3-30 (c) The Texas Commission on Environmental Quality has filed
3-31 its recommendations relating to this Act with the governor, the
3-32 lieutenant governor, and the speaker of the house of
3-33 representatives within the required time.

3-34 (d) All requirements of the constitution and laws of this
3-35 state and the rules and procedures of the legislature with respect
3-36 to the notice, introduction, and passage of this Act are fulfilled
3-37 and accomplished.

3-38 SECTION 10. This Act takes effect September 1, 2017.

3-39

* * * * *