

BILL ANALYSIS

S.B. 625
By: Birdwell
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The legislature created the Nueces River Authority in 1935 to provide for the conservation and development of natural resources in the Nueces River basin in southwestern Texas. Subject to review but not abolishment under the Texas Sunset Act, the Sunset Advisory Commission found that the authority performs its duties thoughtfully and proactively but lacks a formal strategic plan to guide the significant operational changes ahead. S.B. 625 seeks to make certain statutory modifications to address that and other issues and recommendations put forth by the commission.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 625 amends Chapter 427, Acts of the 44th Legislature, 1st Called Session, 1935, to revise provisions relating to the Nueces River Authority, following recommendations of the Sunset Advisory Commission. The bill sets the authority to be reviewed by the commission as if the authority were a state agency scheduled to be abolished September 1, 2031.

S.B. 625, among other provisions, replaces the requirement that the authority's board of directors elect one of its members as board president with a requirement that the governor designate a board member as board president to serve in that capacity at the pleasure of the governor. The bill sets the term of the board president serving on the bill's effective date to expire September 1, 2019, and authorizes that board member to continue to serve on the board of directors until the member's successor is appointed and has qualified. The bill requires the governor to designate a board member as board president not later than September 2, 2019.

S.B. 625 prohibits a person who is appointed to and qualifies for office as a director from voting, deliberating, or being counted as a director in attendance at a board meeting until the person completes a training program. The bill sets out provisions relating to such a program and a related training manual. The bill includes a temporary provision set to expire January 1, 2020, authorizing a board member, notwithstanding such prohibition, to vote, deliberate, and be counted as a director in attendance at a meeting of the board until December 1, 2019. The bill revises provisions relating to director compensation.

S.B. 625 requires the board to develop and implement policies that provide the public with a

reasonable opportunity to appear before the board and to speak on any issue under the authority's jurisdiction and sets out related provisions. The bill requires the board to develop and implement policies that clearly separate the policymaking responsibilities of the board and the management responsibilities of the authority's executive director and staff. The bill revises and updates the statutory provisions under which the authority is granted certain political subdivision powers and under which the authority may apply for grants of authority and exercise powers relating to the control and employment of waters and water quality control.

S.B. 625 requires the board to develop a policy to encourage the use of appropriate alternative dispute resolution procedures under the Governmental Dispute Resolution Act to assist in the resolution of internal and external disputes under the authority's jurisdiction and sets out provisions relating to such policy and procedures. The bill requires the authority to maintain a system to promptly and efficiently act on complaints filed with the authority and sets out related provisions. The bill requires the authority to adopt and promptly publish on the authority's website a written, regularly updated, five-year strategic plan and sets out related provisions.

S.B. 625 amends Chapter 699, Acts of the 64th Legislature, Regular Session, 1975, to revise and update references to statutory provisions under which the authority and its applicable rights, privileges, authority, and functions are subject.

S.B. 625 repeals Section 5.03, Chapter 427, Acts of the 44th Legislature, 1st Called Session, 1935, relating to the approval and registration of authority bonds.

EFFECTIVE DATE

September 1, 2019.