By:  Watson, et al. S.B. No. 606

(In the Senate - Filed February 8, 2019; February 21, 2019, read first time and referred to Committee on Water & Rural Affairs; April 4, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 6, Nays 0; April 4, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Perry           X

Creighton       X

Alvarado                  X

Johnson         X

Kolkhorst       X

Rodríguez       X

Taylor          X

COMMITTEE SUBSTITUTE FOR S.B. No. 606 By:  Creighton

A BILL TO BE ENTITLED

AN ACT

relating to the Lower Colorado River Authority, following recommendations of the Sunset Advisory Commission.

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

SECTION 1.  Section 8503.0021(a), Special District Local Laws Code, is amended to read as follows:

(a)  The authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall not include the management of the generation or transmission of electricity under the wholesale electricity operation of the authority and the authority's affiliated nonprofit corporations. The review shall be conducted under Section 325.025, Government Code, as if the authority were a state agency scheduled to be abolished September 1, 2031 [~~2019~~], and every 12th year after that year.

SECTION 2.  Chapter 8503, Special District Local Laws Code, is amended by adding Sections 8503.0065, 8503.0105, 8503.0106, 8503.0107, and 8503.0108 to read as follows:

Sec. 8503.0065.  DIRECTOR TRAINING. (a)  A person who is appointed to and qualifies for office as a director may not vote, deliberate, or be counted as a director in attendance at a board meeting until the person completes a training program that complies with this section.

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

(1)  the law governing authority operations;

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

(3)  the results of the most recent formal audit of the authority;

(4)  the requirements of:

(A)  laws relating to open meetings, public information, administrative procedure, and disclosure of conflicts of interest; and

(B)  other laws applicable to members of the governing body of a river authority in performing their duties; and

(5)  any applicable ethics policies adopted by the authority or the Texas Ethics Commission.

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

(d)  The general manager of the authority shall create a training manual that includes the information required by Subsection (b). The general manager shall distribute a copy of the training manual annually to each director. Each director shall sign and submit to the general manager a statement acknowledging that the director has received and reviewed the training manual.

Sec. 8503.0105.  PUBLIC ENGAGEMENT POLICY. The board shall develop and implement a policy that provides a structure for public engagement in regard to water supply projects. The policy must include a clear and detailed description of how the authority will seek to actively engage stakeholders, including the possible use of:

(1)  advisory committees;

(2)  community panels;

(3)  town hall meetings; and

(4)  other strategies on a recurring basis.

Sec. 8503.0106.  COMPLAINTS. (a)  The authority shall maintain a system to promptly and efficiently act on complaints filed with the authority. The authority shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b)  The authority shall make information available to the public, including on the authority's website, describing its procedures for complaint investigation and resolution.

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

(d)  The authority shall develop a standard form and a procedure for submitting complaints to the authority and shall make that form and procedure available on the authority's website. The authority shall also make available on its website clear information about what a person making a complaint should expect after the complaint is filed, including timelines for response and resolution.

Sec. 8503.0107.  PUBLIC TESTIMONY. (a)  In this section, "committee-of-the-whole" means a committee of the board in which every director is a member of the committee, regardless of whether all members are present at a particular meeting of the committee-of-the-whole.

(b)  The board shall 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 jurisdiction of the authority.

(c)  At each regular meeting of the board and each meeting as a committee-of-the-whole, the board shall include public testimony as a meeting agenda item and allow members of the public to comment on every agenda item and other matters under the jurisdiction of the authority. The board may not deliberate or decide a matter not included in the meeting agenda except to discuss including the matter on the agenda for a subsequent meeting.

Sec. 8503.0108.  ALTERNATIVE DISPUTE RESOLUTION PROCEDURES. (a)  The board shall develop a policy to encourage the use of appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, to assist in the resolution of internal and external disputes under the authority's jurisdiction.

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

(c)  The authority shall:

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

(2)  provide training as needed to implement the procedures for alternative dispute resolution; and

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

SECTION 3.  Notwithstanding Section 8503.0065, Special District Local Laws Code, as added by this Act, a person serving on the board of directors of the Lower Colorado River Authority may vote, deliberate, and be counted as a director in attendance at a meeting of the board until December 1, 2019.

SECTION 4.  This Act takes effect September 1, 2019.

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