By:  Birdwell, et al. S.B. No. 626

(In the Senate - Filed March 11, 2019; March 18, 2019, read first time and referred to Committee on Water & Rural Affairs; March 27, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 6, Nays 0; March 27, 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. 626 By:  Johnson

A BILL TO BE ENTITLED

AN ACT

relating to the Guadalupe-Blanco River Authority; following the recommendations of the Sunset Advisory Commission.

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

SECTION 1.  Section 1A(a), Chapter 75, Acts of the 43rd Legislature, 1st Called Session, 1933, is amended to read as follows:

(a)  The District is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the District were a state agency scheduled to be abolished September 1, 2031 [~~2019~~], and every 12th year after that year.

SECTION 2.  Section 2, Chapter 75, Acts of the 43rd Legislature, 1st Called Session, 1933, is amended to read as follows:

Sec. 2.  Except as expressly limited by this Act, the District shall have and is hereby authorized to exercise all powers, rights, privileges, and functions conferred by General Law, now in force or hereafter enacted, upon any District or Districts created pursuant to Section 59, of Article 16, of the Constitution of the State of Texas (excluding underground water conservation districts), and the same are adopted by reference. Without limitation of the generality of the foregoing, the District shall have and is hereby authorized to exercise the following powers, rights, privileges, and functions;

(a)  to control, store and preserve, within or adjoining the boundaries of the District, the waters of any rivers and streams, including the waters of the Guadalupe and Blanco Rivers and their tributaries, for all useful purposes, and to use, distribute and sell the same, within the boundaries of the District, for any such purposes;

(b)  to conserve, preserve and develop underground waters within the boundaries of the District (subject to any applicable regulation by the State or any political subdivision) for all useful purposes, and to use, distribute and sell the same, within the boundaries of the District for any such purposes;

(c)  to acquire water, water supply facilities and conservation storage capacity within or without the District from any person, including the State or any of its agencies and subdivisions and the United States of America and any of its agencies and subdivisions;

(d)  to use, distribute and sell, without the boundaries of the District, any waters which may be controlled, stored, preserved, conserved, developed or acquired by the District, if the Board hereinafter referred to determines that adequate provision can be made to continue to serve the water requirements within the boundaries of the District, provided the District shall not enter into any agreement which contemplates or results in the removal from the watershed of the Guadalupe and Blanco Rivers and their tributaries of any surface water of the District necessary to supply the reasonably foreseeable future water requirements for municipal uses during the next ensuing fifty-year period within such watershed, except on a temporary, interim basis;

(e)  to develop and generate water power and electric energy within the boundaries of the District and to distribute and sell water power and electric energy, within or without the boundaries of the District;

(f)  to prevent or aid in the prevention of damage to person or property from the waters of the Guadalupe and Blanco Rivers and their tributaries;

(g)  to forest and reforest and to aid in the foresting and reforesting of the watershed area of the Guadalupe and Blanco Rivers and their tributaries and to prevent and to aid in the prevention of soil erosion and floods within said watershed area;

(h)  to develop the navigation of inland waters within the boundaries of the District and any facilities in aid thereof;

(i)  to develop the reclamation and drainage of overflowed lands and other lands needing drainage within the boundaries of the District and any facilities in aid thereof (but not to reclaim or drain coastal wetlands or inland marshes);

(j)  to develop the collection, transportation, treatment, disposal and handling of any waste as such term may be defined by General Law and any facilities in aid thereof (but only with the consent of a city if sanitary sewer facilities for the collection, treatment and disposal of sewage are to be constructed or acquired within its corporate limits);

(k)  to conserve and develop waters and lands for recreation purposes and any facilities in aid thereof;

(l)  to acquire by purchase, lease, gift or in any other manner (otherwise than by condemnation) and to maintain, use and operate any and all property of any kind, real, personal, or mixed, or any interest therein, within or without the boundaries of the District, necessary or convenient to the exercise of the powers, rights, privileges and functions conferred upon it by this Act;

(m)  to acquire by condemnation any and all property of any kind, real, personal or mixed, or any interest therein, within or without the boundaries of the District (other than such property or any interest therein without the boundaries of the District as may at the time be owned by any body politic) necessary or convenient to the exercise of the powers, rights, privileges, and functions conferred upon it by this Act, in the manner provided by General Law with respect to condemnation or, at the option of the District, in the manner provided by the Statutes relative to condemnation by Districts organized under General Law pursuant to Section 59, of Article 16, of the Constitution of the State of Texas;

(n)  subject to the provisions of this Act from time to time sell, lease, or otherwise dispose of any property of any kind, real, personal, or mixed, or any interest therein, which shall not be necessary to the carrying on of the business of the District or the sale, lease, or disposition of which, in the judgment of the Board hereinafter referred to, is necessary or convenient to the exercise of the powers, rights, privileges and functions conferred upon the District by this Act or by General Law;

(o)  to overflow and inundate any public lands and public property and to require the relocation of roads, pipelines, transmission lines, railroads, cemeteries and highways in the manner and to the extent permitted to Districts organized under General Law pursuant to Section 59, of Article 16, of the Constitution of the State of Texas; provided that if the District requires the relocation, raising, lowering, rerouting, or change in grade or alteration in the construction of any railroad, transmission lines, conduits, poles, properties, or facilities, or pipelines in the exercise of the power of eminent domain or any other power, all of the relocation, raising, lowering, rerouting or changes in grade or alteration of construction shall be the sole expense of the District. The term 'sole expense' means the actual cost of relocation, raising, lowering, rerouting, or change in grade or alteration of construction to provide comparable replacement without enhancement of facilities, after deducting the net salvage value derived from the old facility;

(p)  to construct, extend, improve, maintain, and reconstruct, to cause to be constructed, extended, improved, maintained and reconstructed, and to use and operate, any and all facilities of any kind necessary or convenient to the exercise of such powers, rights, privileges and functions;

(q)  to sue and to be sued in its corporate name;

(r)  to adopt, use and alter a corporate seal;

(s)  to invest and re-invest its funds;

(t)  to make by-laws for the management and regulation of its affairs;

(u)  to appoint officers, agents, and employees, to prescribe their duties and to fix their compensation;

(v)  to make contracts and to execute instruments necessary or convenient to the exercise of the powers, rights, privileges, and functions conferred upon it by this Act or General Law for such term and with such provisions as the Board hereinafter referred to may determine to be in the best interests of the District, including, without in any way limiting the generality of the foregoing, contracts with persons, including the State of Texas, the United States of America and any corporation or agency thereof and districts, cities, towns, persons, organizations, associations, firms, corporations, entities or others, as such Board may deem necessary or proper for, or in connection with, any corporate purpose to provide for the construction, acquisition, ownership, financing, operation, maintenance, sale, leasing to or from, or other use or disposition of any facilities authorized to be developed, preserved, conserved, acquired, or constructed under this Act or General Law, including any improvements, structures, facilities, equipment and all other property of any kind in connection therewith and any lands, leaseholds, easements and any interests in any of the foregoing;

(w)  to authorize and allow any of such persons, including the State of Texas, the United States of America and any corporation or agency thereof and districts, agencies, cities, towns, persons, organizations, associations, firms, corporations, entities or others to participate with the District in the joint construction, acquisition, ownership, financing, operation, and maintenance of all of such improvements, structures, facilities, equipment and any other property in connection therewith, and all such lands, leaseholds, easements and interests therein as the Board hereinafter referred to may determine is necessary or proper for, or in connection with, any corporate purpose, and to allow such persons to receive such portion of the revenues derived therefrom as such Board shall deem just, equitable and proper;

(x)  to borrow money for its corporate purposes and, without limitation of the generality of the foregoing, to borrow money and accept grants from persons, including the State of Texas, the United States of America, or from any corporation or agency created or designated by the State of Texas or the United States of America, and, in connection with any such loan or grant, to enter into such agreements as the State of Texas or the United States of America or such corporations or agency may require; and to make and issue its negotiable bonds or notes for moneys borrowed, in the manner and to the extent provided in this Act, and to refund or refinance any outstanding bonds or notes and to make and issue its negotiable bonds or notes therefor in the manner and to the extent provided in this Act. Nothing in this Act shall authorize the issuance of any bonds, notes, or other evidences of indebtedness of the District, except as specifically provided in this Act, and no issuance of bonds, notes, or other evidences of indebtedness of the District shall ever be authorized except by this Act or General Law;

(y)  nothing herein shall be construed as conferring any water rights on the District, or as fixing any priority of rights, but said District shall obtain its water rights by application to and permit from the Texas [~~Water Rights~~] Commission on Environmental Quality as provided by General Statute; and nothing herein shall be construed as authorizing the District to make any regulation of the withdrawal of underground waters. To the extent the provisions of General Law which are adopted by reference in this Act may be in conflict with the express provisions of this Act, the provisions of this Act shall prevail unless the General Law is made cumulative. The rights, powers, privileges, authority, and functions granted to the District under this Act, and the District itself, are expressly subject to Chapters 5, 7, 11, 12, 17, 26, and 30 [~~5, 6, and 21~~], Water Code, and Chapter 366, Health and Safety Code.

SECTION 3.  Section 4, Chapter 75, Acts of the 43rd Legislature, 1st Called Session, 1933, is amended to read as follows:

Sec. 4.  (a) The powers, rights, privileges and functions of the District shall be exercised by a board of nine (9) directors (herein called the Board), which is a state board of a state agency as contemplated by Section 30a of Article XVI, Constitution of Texas. Each member of the Board shall be a freehold property taxpayer of the State of Texas and shall reside in one of the counties which is included within the boundaries of the District, but only one director shall be appointed from any county. The directors shall be appointed by the Governor from nominations furnished him by the Texas [~~Water Rights~~] Commission on Environmental Quality and the appointments confirmed by the Senate as in other cases of appointments by the Governor. Of the directors first appointed, three (3) shall hold office for a term expiring February l, 1937, three (3) for a term expiring February l, 1939, and three (3) for a term expiring February l, 1941. Thereafter, directors shall hold office for a term of six (6) years. Each director shall hold office until the expiration of the term for which he was appointed and thereafter, until his successor shall have been appointed and qualified unless sooner removed as in this Act provided. Any director may be removed by the authority which appointed him for inefficiency, neglect of duty or misconduct in office, after at least ten (10) days' written notice of the charge against him and an opportunity to be heard in person or by counsel at public hearing. A vacancy resulting from the death, resignation or removal of any director shall be filled by the authority which appointed him for the unexpired term. Each director shall qualify by taking the official oath of office prescribed by General Statute.

[~~(a)  Each director shall receive Twenty-five Dollars ($25) per day, or such amount as may hereafter be prescribed by general law, for each day spent in attending meetings of the Board, and any other business of the District that the Board thinks necessary, plus actual traveling and other expenses.~~]

(b)  Until the adoption of by-laws fixing the time and place of regular meetings and the manner in which special meetings may be called, meetings of the Board shall be held at such times and places as five (5) of the directors may designate in writing. Five (5) directors shall constitute a quorum at any meeting and, except as otherwise provided, in this Act or in the by-laws, all action may be taken by the affirmative vote of a majority of the directors present at any such meeting, except that no contracts which involve any amount greater than Ten Thousand Dollars ($10,000) or which is to run for a period longer than a year, and no bonds, notes or other evidence of indebtedness and no amendment of the by-laws shall be valid unless authorized or ratified by the affirmative vote of at least five (5) directors.

SECTION 4.  Chapter 75, Acts of the 43rd Legislature, 1st Called Session, 1933, is amended by adding Section 4A to read as follows:

Sec. 4A.  (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 District operations;

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

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

(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 District 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 shall create a training manual that includes the information required by Subsection (b) of this section. 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.

SECTION 5.  Section 5, Chapter 75, Acts of the 43rd Legislature, 1st Called Session, 1933, is amended to read as follows:

Sec. 5.  The Governor shall designate a member of the Board as the presiding officer of the Board to serve in that capacity at the pleasure of the Governor. The Board shall select a Secretary who shall keep true and complete records of all proceedings of the Board. Until the appointment of a Secretary, or in the event of his absence or inability to act, a secretary pro tem shall be selected by the Board. The Board shall also select a General Manager, who shall be the chief executive officer of the District, and a treasurer. All such officers shall have such powers and duties, shall hold office for such term and be subject to removal in such manner as may be provided in the by-laws. The Board shall fix the compensation of such officers. The Board may appoint such officers, agents and employees, fix their compensation and term of office and the method by which they may be removed, and delegate to them such of its power and duties as it may deem proper.

SECTION 6.  Chapter 75, Acts of the 43rd Legislature, 1st Called Session, 1933, is amended by adding Section 5A to read as follows:

Sec. 5A.  The Board shall develop and implement policies that clearly separate the policymaking responsibilities of the Board and the management responsibilities of the general manager and the staff of the District.

SECTION 7.  Section 11, Chapter 75, Acts of the 43rd Legislature, 1st Called Session, 1933, is amended to read as follows:

Sec. 11.  The District shall have power and is hereby authorized to issue, from time to time, bonds or notes as herein authorized for any corporate purpose. Such bonds or notes (hereinafter called 'bonds') may either be (1) sold for cash, at public or private sale, at such price or prices as the Board shall determine, provided that the interest cost of the money received therefor, computed to maturity, shall not exceed ten (10) percent per annum, or (2) may be issued on such terms as the Board shall determine in exchange for property of any kind, real, personal or mixed or any interest therein which the Board shall deem necessary or convenient for any such corporate purpose, or (3) may be issued in exchange for like principal amounts of other obligations of the District, matured or unmatured. The proceeds of sale of such bonds shall be deposited in such bank or banks or trust company or trust companies, and shall be paid out pursuant to such terms and conditions, as may be agreed upon between the District and the purchasers of such bonds. All such bonds shall be authorized by resolution or resolutions of the Board concurred in by at least five (5) of the members thereof, and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates which may be fixed, variable, floating or otherwise (not exceeding ten (10) per centum per annum), payable annually, semiannually or otherwise, be in such denominations, be in such form, either coupon or registered, carry such registration privileges as to principal only or as to both principal and interest, and as to exchange of coupon bonds for registered bonds or vice versa, and exchange of bonds of one denomination for bonds of other denominations, be executed in such manner and be payable at such place or places within or without the State of Texas, as such resolution or resolutions may provide. Any resolution or resolutions authorizing any bonds may contain provisions, which shall be part of the contract between the District and the holders thereof from time to time.

(a)  Reserving the right to redeem such bonds or requiring the redemption of such bonds, at such time or times, in such amounts and at such prices, not exceeding one hundred and five per centum (105%) of the principal amount thereof, plus accrued interest, as may be provided;

(b)  Providing for the setting aside of sinking funds or reserve funds and the regulation and disposition thereof;

(c)  Pledging to secure the payment of the principal of and interest on such bonds and of the sinking fund or reserve fund payments agreed to be made in respect of such bonds all or any part of the gross or net revenues thereafter received by the District in respect of the property, real, personal or mixed, to be acquired and/or constructed with such bonds or the proceeds thereof, or all or any part of the gross or net revenues thereafter, received by the District from whatever source derived;

(d)  Prescribing the purposes to which such bonds or any bonds thereafter to be issued, or the proceeds thereof, may be applied;

(e)  Agreeing to fix and collect rates and charges sufficient to produce revenues adequate to pay the items specified in subdivisions (a), (b), (c), (d), and (e) of Section 9 hereof, and prescribing the use and disposition of all revenues;

(f)  Prescribing limitations upon the issuance of additional bonds and subordinate lien bonds and upon the agreements which may be made with the purchasers and successive holders thereof;

(g)  With regard to the construction, extension, improvement, reconstruction, operation, maintenance and repair of the properties of the District and carrying of insurance upon all or any part of said properties covering loss or damage or loss of use and occupancy resulting from specified risks;

(h)  Fixing the procedure, if any, by which, if the District shall so desire, the terms of any contract with the holders of such bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given;

(i)  For the execution and delivery by the District to a bank or trust company authorized by law to accept trusts, or to the United States of America or any officer or agency thereof, of [~~or~~] indentures and agreements for the benefit of the holders of such bonds setting forth any or all of the agreements herein authorized to be made with or for the benefit of the holders of such bonds and such other provisions as may be customary in such indentures or agreements; and

(j)  Such other provisions, not inconsistent with the provisions of this Act, as the Board may approve.

(1)  Any such resolution and any indenture or agreement entered into pursuant thereto may provide that in the event that:

(a)  default shall be made in the payment of the interest on any or all bonds when and as the same shall become due and payable, or;

(b)  default shall be made in the payment of the principal of any or all bonds when and as the same shall become due and payable, whether at the maturity thereof, by call for redemption or otherwise, or;

(c)  default shall be made in the performance of any agreement made with the purchasers or successive holders of any bonds;

(2)  And such default shall have continued such period, if any, as may be prescribed by said resolution in respect thereof, the trustee under the indenture or indentures entered into in respect of the bonds authorized thereby, or, if there shall be no such indenture, a trustee appointed in the manner provided in such resolution or resolutions by the holders of twenty-five per centum (25%) in aggregate principal amount of the bonds authorized thereby and at that time outstanding, and upon the written request of the holders of twenty-five per centum (25%) in aggregate principal amount of the bonds authorized by such resolution or resolutions at the time outstanding, shall, in his or its own name, but for the equal and proportionate benefit of the holders of all the such bonds; and with or without having possession thereof;

(a)  by mandamus or other suit, action or proceeding at law or in equity, enforce all rights of the holders of such bonds;

(b)  bring suit upon such bonds and/or the appurtenant coupons;

(c)  by action or suit in equity, require the District to account as if it were the trustee of an express trust for the bondholders;

(d)  by action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds, and/or;

(e)  after such notice to the District as such resolution may provide, declare the principal of all of such bonds due and payable, and if all defaults shall have been made good, then with the written consent of the holders of twenty-five (25) per centum in aggregate principal amount of such bonds at the time outstanding, annul such declaration and its consequences; provided, however, that the holders of more than a majority in principal amount of the bonds authorized thereby and at the time outstanding shall by [~~be~~] instrument or instruments in writing delivered to such trustee have the right to direct and control any and all action taken or to be taken by such trustee under this paragraph. Any such resolution, indenture or agreement may provide that in any such suit, action, or proceeding, any such trustee, whether or not all of such bonds shall have been declared due and payable, and with or without possession of any thereof, shall be entitled as of right to the appointment of a receiver who may enter and take possession of all or any part of the properties of the District, and operate and maintain the same, and fix, collect, and receive rates and charges sufficient to provide revenues adequate to pay the items set forth in subparagraphs (a), (b), (c), (d) and (e) of Section 9 hereof and the costs and disbursements of such suit, action or proceeding, and to apply such revenues in conformity with the provisions of this Act and the resolution or resolutions authorizing such bonds. In any suit, action or proceeding by any such trustee, the reasonable fees, counsel fees and expenses of such trustee and of the receiver or receivers, if any, shall constitute taxable disbursements and all costs and disbursements allowed by the Court shall be a first charge upon any revenues pledged to secure the payment of such bonds. Subject to the provisions of the Constitution of the State of Texas, the courts of the County of Comal shall have jurisdiction of any suit, action or proceeding by any such trustee on behalf of the bondholders and of all property involved therein. In addition to the powers hereinabove specifically provided for, each such trustee shall have and possess all powers necessary or appropriate [~~appropriated~~] for the exercise of any thereof, or incident to the general representation of the bondholders in the enforcement of their rights.

(3)  Pending the issuance of definitive bonds, the District is authorized to make and issue interim bonds. The interim bonds so issued will be taken up with the proceeds of the definitive bonds, or the definitive bonds may be issued and delivered in exchange for and in substitution of such interim bonds. After any such exchange and substitution the District shall file proper certificates with the Comptroller of Public Accounts of the State of Texas as to such exchange, substitution and cancellation, and such certificates shall be recorded by the Comptroller of Public Accounts in the same manner as the record of proceedings authorizing the issuance of the bonds. The District is also authorized to make and issue temporary bonds for the purpose of interim financing and to make agreements or other provision to refinance such temporary bonds with bonds to provide permanent financing at such time, in such manner and on such conditions as may be determined by the Board.

(4)  Before any bonds shall be sold by the District, a certified copy of the proceedings for the issuance thereof, including the form of such bonds, together with any other information which the Attorney General of the State of Texas may require, shall be submitted to the Attorney General, and if he shall find that such bonds have been issued in accordance with law, and if he shall approve such bonds, he shall execute a certificate to that effect which shall be filed in the office of the Comptroller of the State of Texas and be recorded in a record kept for that purpose. No bonds shall be issued until the same shall have been registered by the Comptroller, who shall so register the same if the Attorney General shall have filed with the Comptroller his certificate approving the bonds and the proceedings for the issuance thereof as hereinabove provided.

(5)  All bonds approved by the Attorney General as aforesaid, and registered by the Comptroller as aforesaid, and issued in accordance with the proceedings so approved shall be valid and binding obligations of the District and shall be incontestable for any cause from and after the time of such registration.

(6)  If any bonds recite that they are secured by a pledge of the proceeds of a contract, lease, sale or other agreement (herein called 'contract'), a copy of such contract and the proceedings of the contracting parties will also be submitted to the Attorney General. If such bonds have been authorized and such contracts made in compliance with law, the Attorney General shall approve the bonds and contracts, and the bonds shall then be registered by the Comptroller of Public Accounts. When so approved, such bonds and the contracts shall be valid and binding and shall be incontestable for any cause from and after the time of such registration.

(7)  The District is authorized to make and issue bonds or notes (herein called 'refunding bonds') for the purpose of refunding or refinancing any outstanding bonds or notes authorized and issued by the District pursuant to this Act or other law (herein called 'bonds') and the interest and premium, if any, thereon to maturity or on any earlier redemption date specified in the resolution authorizing the issuance of the refunding bonds. Such refunding bonds may be issued to refund more than one series of outstanding bonds, may combine the pledges of the outstanding bonds for the security of the refunding bonds or may be secured by other or additional revenues. All provisions of this Act with reference to the issuance of bonds, the terms and provisions thereof, their approval by the Attorney General, and the remedies of the bondholders shall be applicable to refunding bonds. Refunding bonds shall be registered by the Comptroller upon surrender and cancellation of the bonds to be refunded, but in lieu thereof, the resolution authorizing the issuance of refunding bonds may provide that they shall be sold and the proceeds thereof deposited at the places at which the original bonds are payable, in which case the refunding bonds may be issued in an amount sufficient to pay the interest and premium, if any, on the original bonds to their maturity date or specified earlier redemption date, and the Comptroller will register them without concurrence, surrender and cancellation of the original bonds. The District may also refund any outstanding bonds in the manner provided by any applicable General Law.

SECTION 8.  Chapter 75, Acts of the 43rd Legislature, 1st Called Session, 1933, is amended by adding Sections 23, 24, and 25 to read as follows:

Sec. 23.  (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 District's jurisdiction.

(b)  The District'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 District shall:

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

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

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

Sec. 24.  (a)  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 District.

(b)  At each regular meeting of the Board, the Board shall include public testimony as a meeting agenda item and allow members of the public to comment on other agenda items and other matters under the jurisdiction of the District. The Board may not deliberate on or decide a matter not included in the meeting agenda, except that the Board may discuss including the matter on the agenda for a subsequent meeting.

Sec. 25.  (a)  The District shall maintain a system to promptly and efficiently act on complaints filed with the District. The District shall maintain information about the parties to and subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and the disposition of the complaint.

(b)  The District shall make information available describing its procedures for complaint investigation and resolution.

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

SECTION 9.  Section 8, Chapter 75, Acts of the 43rd Legislature, 1st Called Session, 1933, is repealed.

SECTION 10.  (a)  The term of the president of the board of directors of the Guadalupe-Blanco River Authority serving on the effective date of this Act expires September 1, 2019. The director serving as president on the effective date of this Act may continue to serve on the board of directors until the expiration of that director's term.

(b)  Not later than September 2, 2019, the governor shall designate a director as president of the board of directors of the Guadalupe-Blanco River Authority as required by Section 5, Chapter 75, Acts of the 43rd Legislature, 1st Called Session, 1933, as amended by this Act.

SECTION 11.  (a)  Notwithstanding Section 4A(a), Chapter 75, Acts of the 43rd Legislature, 1st Called Session, 1933, as added by this Act, a person serving on the board of directors of the Guadalupe-Blanco River Authority may vote, deliberate, and be counted as a director in attendance at a meeting of the board until December 1, 2019.

(b)  This section expires January 1, 2020.

SECTION 12.  The repeal by this Act of Section 8, Chapter 75, Acts of the 43rd Legislature, 1st Called Session, 1933, does not apply to an offense committed before the effective date of this Act. An offense committed before the effective date of this Act is governed by the law as it existed on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 13.  (a)  The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

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

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

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

SECTION 14.  This Act takes effect September 1, 2019.

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