

BILL ANALYSIS

Senate Research Center
81R4441 PMO-D

S.B. 794
By: Fraser
Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Central Colorado River Authority, a state authority related to control of the Colorado River, was established by the 44th Texas Legislature, Regular Session, 1935. This state conservation and reclamation district is limited in area to Coleman County, and its headquarters are in Coleman, the county seat. The river authority is governed by a nine-member board of directors appointed by the governor to six-year overlapping terms.

As proposed, S.B. 794 decreases the number of board members of the Central Colorado River Authority from nine to five over a five-year period.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 4(a) and (c), Chapter 338, General Laws, Acts of the 44th Legislature, Regular Session, 1935, as follows:

(a) Requires that the powers, rights, privileges and functions of the Central Colorado River Authority (district) be exercised by a board of five, rather than nine, directors (board), all of whom are required to be residents of and freehold property taxpayers in the State of Texas and are required to be residents of the district, to be appointed by the governor of the state of Texas and confirmed by the senate. Provides that directors are appointed for staggered terms of six years with one or two, rather than three, directors' terms expiring on February 1 of each odd-numbered year.

(c) Requires that meetings of the board, until the adoption of by-laws fixing the time and place of regular meetings and the manner in which special meetings are authorized to be called, be held at such times and places as a majority of all the directors, rather than five of the directors, are authorized to designate in writing. Provides that a majority of the membership of the board constitutes a quorum, rather than requiring that five directors constitute a quorum, at any meeting, and, except as otherwise provided in this Act, or in the by-laws, all actions authorized be taken by the affirmative vote of a majority of the directors present at any such meeting, except that no contract which involves an amount greater than Ten Thousand (\$10,000.00) Dollars, or which is to run for a longer period than a year, and no bonds, notes or other evidence of indebtedness and no amendment of the by-laws is required to be valid unless authorized or ratified by the affirmative vote of at least a majority of the entire membership of the board, rather than by five directors.

SECTION 2. Amends Sections 6, 11, and 15, Chapter 338, General Laws, Acts of the 44th Legislature, Regular Session, 1935, to make conforming changes.

SECTION 3. (a) Provides that the change in law made by this Act does not affect the term of a member of the board of directors of the district serving on the effective date of this Act. Requires members appointed to fill vacancies occurring on or after the effective date of this Act, except as provided by Section 4 of this Act, to be appointed in accordance with Section 4, Chapter 338, General Laws, Acts of the 44th Legislature, Regular Session, 1935, as amended by this Act.

(b) Provides that the change in law made by this Act does not prohibit a person who is a member of the district board before the effective date of this Act from being appointed as a member of the board under the new composition of the board if the person is otherwise qualified.

SECTION 4. (a) Defines "board."

(b) Requires the governor, to maintain a board with an odd number of directors during the transition from a board of nine to a board of five directors, to make appointments to the board as provided by Subsections (c), (d), (e), and (f) of this section.

(c) Requires the governor, when the terms of members of the board expire on February 1, 2009, to appoint one director whose term expires February 1, 2015.

(d) Requires the governor, when the terms of members of the board expire on February 1, 2011, to appoint one director whose term expires February 1, 2017.

(e) Requires the governor, when the terms of members of the board expire on February 1, 2013, to appoint one director whose term expires February 1, 2015; one director whose term expires February 1, 2017; and one director whose term expires February 1, 2019.

(f) Requires a member of the board appointed on or after February 1, 2017, to be appointed to a term as provided by Section 4, Chapter 338, General Laws, Acts of the 44th Legislature, Regular Session, 1935, as amended by this Act.

SECTION 5. (a) Provides that 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 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI (General Provisions), Texas Constitution, and Chapter 313 (Notice for Local and Special Laws), Government Code.

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

(c) Provides that TCEQ 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) Provides that 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 6. Effective date: upon passage or September 1, 2009.