

BILL ANALYSIS

S.B. 627
By: Birdwell
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The legislature created the Red River Authority of Texas in 1959 to conserve, develop, and control pollution of the water of the Red River and its tributaries. Subject to review but not abolishment under the Texas Sunset Act, the Sunset Advisory Commission made recommendations with regard to improving the authority's operations. S.B. 627 seeks to enact those recommendations resulting from the sunset review of the authority.

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. 627 amends Chapter 279, Acts of the 56th Legislature, Regular Session, 1959, to revise provisions relating to the Red River Authority of Texas, 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. 627 sets out grounds for removal from the authority's board of directors and sets out related provisions. The bill 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.

S.B. 627 replaces the requirement that the authority's directors elect a director as board president with a requirement that the governor designate a director as board president to serve in that capacity at the governor's pleasure. The bill sets the term of the president serving on the bill's effective date to expire September 1, 2019, authorizes the director serving as president on such date to continue to serve on the board of directors until the director's successor is appointed and has qualified, and requires the governor, not later than September 2, 2019, to designate a director as board president.

S.B. 627 provides for a certain increase in the director fee of office as provided by certain Water Code provisions. The bill prohibits a director from being employed as general manager of the authority. 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 general manager and staff of the authority. The bill establishes that the authority is governed by and subject to Water Code general law district provisions that are applicable to certain water districts, Water Code navigation district general provisions, and Water Code provisions relating to Article XVI, Section 59, navigation districts but establishes that in all areas of conflict the provisions relating to Article XVI, Section 59, navigation districts take precedence.

S.B. 627 requires the authority to adopt an asset management plan and sets out related provisions. The bill requires the board to establish a process to ensure that, before the authority makes a significant change to a rate or charge for the sale and use of water, affected persons are provided notice of the proposed change and an opportunity to provide to the board comments regarding the proposed change, sets out requirements for such process, and requires the board by rule to establish a percentage change in a rate or charge such that a change greater than or equal to that percentage is considered significant. The bill requires the authority to notify affected persons of their right to appeal changes to rates and sets out related requirements.

S.B. 627 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 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 authority to maintain a system to promptly and efficiently act on complaints filed with the authority and sets out related provisions.

S.B. 627 requires the state auditor to conduct an audit of the authority to evaluate whether the authority has addressed the operational challenges identified in the report on the authority by the Sunset Advisory Commission presented to the 86th Legislature, sets out related provisions, and sets the audit provisions to expire January 1, 2023.

S.B. 627 repeals Section 13, Chapter 279, Acts of the 56th Legislature, Regular Session, 1959, which prohibits an authority director, engineer, or employee from being interested in a contract for the purchase of materials or construction of work by the authority and provides for a related misdemeanor.

EFFECTIVE DATE

September 1, 2019.