

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 272
By: Brown
Natural Resources
3/3/1999
Committee Report (Substituted)

DIGEST

Senate Bill 1, a comprehensive water management plan from the 75th Legislature, established a statutory framework for regional water planning, which will result in the next version of the State Water Plan. The Interim Committee on Water Resources Development and Management monitored the implementation of S.B. 1. Several issues were raised in hearings regarding the regional water planning group functions, including the scope of representation of the group, liability of group members, and ability of the group to enter into contracts with political subdivisions regarding the development of regional water plans. C.S.S.B. 272 would clarify the need for groups to add and maintain representation for the various interests required to be included. The bill would further provide the authority for political subdivisions, through contract, to assist a regional water planning group in developing or revising a regional water plan and provide protection from liability along with directing the attorney general to provide representation to group members.

PURPOSE

As proposed, C.S.S.B. 272 regulates regional water planning groups.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 16.053, Water Code, by amending Subsection (c) and adding Subsections (l)-(o), to authorize the initial coordinating body to designate additional representatives to serve on the regional water planning group (group). Requires the initial coordinating body to designate additional representatives if necessary to ensure adequate representation from the interests comprising that region. Requires the group to maintain adequate representation from those interests. Authorizes a political subdivision to contract with a group to assist the group in the developing or revising a regional water plan. Provides that a cause of action does not accrue against a group, a representative who serves on the group, or an employee of a political subdivision that contracts with the group under Subsection (l) for an act or omission in the course and scope of the person's work relating to the group. Prohibits a group, a representative who serves on the group, or an employee of a political subdivision that contracts with the group under Subsection (l) from being liable for damages that may arise from an act or omission in the course and scope of the person's work relating to the group. Requires the attorney general, on request, to represent a group, a representative who serves on the group, or an employee of a political subdivision that contracts with the group under Subsection (l) in a suit arising from an act or omission relating to the group.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 16.053, Water Code, by amending Subsections (m)-(o), to provide that a cause of action does not accrue against a group, a representative who serves on the group, or an employee of a political subdivision that contracts with the group under Subsection (l) for an act or omission in the course and scope of the person's work relating to the group. Provides that a group, a representative who serves on the group, or an employee of a political subdivision that contracts with the group under Subsection (l) is not liable for damages that may arise from an act or omission in the course and scope of the person's work relating to the group. Requires the attorney general, on request, to represent a group, a representative who serves on the group, or an employee of a political subdivision that contracts with the group under Subsection (l) in a suit arising from an act or omission relating to the group. Deletes references in Subsection (m), to Chapter 101, Civil Practice and Remedies Code, a governmental unit and a governmental function. Deletes text in Subsection (n), regarding an action relating to the development or revision of a regional water plan taken by a group, a representative or employee of the group within the course and scope of authority of the regional water planning group. Deletes text in Subsection (o), regarding a group, representative, or employee of a political subdivision that contracts with the group not being liable for damages arising from the performance of a function of the group. Deletes Subsection (p), requiring the attorney general to represent a person described by Subsection (o) in a suit arising from the performance of a function of a group.