

SUBJECT: Repealing sunset review of the Guadalupe Blanco River Authority board

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 7 ayes — Counts, Yost, Combs, King, R. Lewis, Puente, Walker

0 nays

2 absent — Corte, Stiles

SENATE VOTE: On final passage, March 2 — 29-0

WITNESSES: None

BACKGROUND: In 1993 the 73rd Legislature placed the Guadalupe-Blanco River Authority (GBRA) board of directors under sunset review. According to the 1994 Sunset Commission staff report on the GBRA, discussions at the time focused on the GBRA's "perceived lack of responsiveness to the diverse interests of the district."

GBRA sunset provisions were included in SB 1477 by Armbrister, enacted in 1993 by the 73rd Legislature. SB 1477 established a new Edwards Aquifer Authority to regulate groundwater use, although most provisions of SB 1477 have not been implemented due to Justice Department objections under the federal Voting Rights Act. SB 1477 also provided that the board of directors of the Guadalupe-Blanco River Authority is subject to sunset review. The terms of GBRA's nine-member board of directors are to expire on September 1, 1995, unless the Legislature decides to continue the board members in office. If terms of the current board members are allowed to expire and the current board is removed, SB 1477 provides for the appointment of new GBRA board members and designates their terms. A member whose term expired under the sunset provision would not be eligible for reappointment.

The Guadalupe-Blanco River Authority (GBRA) was created by the Legislature in 1935 to develop, conserve and protect the water resources of the Guadalupe River Basin. The authority extends over a ten-county area: Kendall, Comal, Hays, Caldwell, Guadalupe, Gonzales, DeWitt, Victoria,

Calhoun and Refugio. The GBRA is governed by a nine-member board of directors appointed by the governor and subject to Senate confirmation.

DIGEST: SB 361 would repeal the requirements that the board of directors of the Guadalupe River Authority (GBRA) be under sunset review and that the terms of GBRA's nine-member board of directors are to expire on September 1, 1995. The bill would take effect September 1, 1995.

SUPPORTERS SAY: SB 361 would implement the Sunset Advisory Commission recommendation that the terms of the current board members be continued and that the sunset provision in SB 1477 concerning the board's authority be repealed.

Since enactment of SB 1477 by the 73rd Legislature, the GBRA has been a cooperative player in solving regional water problems. The authority hired a new general manager who has forged relationships with political subdivisions and others affected by the GBRA's activities.

The GBRA is actively collaborating, for example, with the San Antonio Water System, the San Antonio River Authority and other entities in the region on a framework to allow for interbasin transfers from the Guadalupe River Basin to the San Antonio area. San Antonio, the GBRA and other water providers in the area have signed a letter of intent concerning these transfers. Interbasin transfers would allow water in the Guadalupe River basin to be made available to San Antonio on an interim basis while more permanent alternative supplies for San Antonio are being developed. The agreement is a major step in satisfying U.S. Dist. Judge Lucius Bunton, who has threatened to take over management of the Edwards Aquifer because of threats to endangered species dependent on groundwater flow from the aquifer, "strongly urging" San Antonio to find sources of water other than the aquifer.

The GBRA has also co-sponsored and financed a portion of the Trans-Texas Water program, a Texas Water Development Board program designed to identify the most cost-effective and environmentally sensitive strategies for meeting the current and future needs of the state including the San Antonio area.

No other river authority in the state is subject to sunset review. In 1989, the 71st Legislature removed river authorities from such review and gave the Texas Natural Resource Conservation Commission (TNRCC) increased oversight powers over all constitutionally created river authorities. It is unfair and unnecessary for the Guadalupe-Blanco River Authority to be singled out for sunset review, since TNRCC has indicated that GBRA is in compliance with TNRCC rules.

The current board of directors of GBRA is implementing a strategic planning and budgeting process to identify GBRA goals and link the authority's budget to the achievement of these goals. GBRA, which has 124 employees and provides water to municipal, industrial and agricultural customers as well as wastewater treatment, hydroelectric and recreational facilities, is currently well-managed and there is no need to replace board members.

OPPONENTS
SAY:

No apparent opposition