

## **BILL ANALYSIS**

Senate Research Center  
78R8713 SGA-F

S.B. 1935  
By: Fraser  
Natural Resources  
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As Filed

### **DIGEST AND PURPOSE**

Currently river authorities' enabling statutes are found in the General and Special Laws of Texas (commonly referred to as session law). This becomes challenging when trying to determine the powers and duties of a river authority. As proposed, S.B. 1935 codifies the session laws regarding the Lower Colorado River Authority and the Brazos River Authority into a new title in the Water Code, with a new chapter for each river authority. The codification eliminates provisions no longer operative in the original enabling statutes and updates existing language in the statutes. This bill reduces the current boards of the Lower Colorado River Authority and the Brazos River Authority to 9 members each, and gives the governor the ability to appoint the chair of each board.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the board of the Brazos River Authority in SECTION 1 (Section 221.016, Water Code) of this bill.

Rulemaking authority is expressly granted to the Lower Colorado River Authority in SECTION 1 (Sections 222.004 and 222.019, Water Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the Water Code, by adding Title 6, to as follows:

#### TITLE 6. SURFACE WATER AUTHORITIES

##### SUBTITLE A. GENERAL PROVISIONS

##### CHAPTER 201. GENERAL PROVISIONS

Sec. 201.001. DEFINITION.

[Reserves Chapters 202 to 220 for expansion.]

##### SUBTITLE B. LOCAL LAW SURFACE WATER AUTHORITIES

##### CHAPTER 221. BRAZOS RIVER AUTHORITY

Sec. 221.001. CREATION.

Sec. 221.002. DEFINITIONS.

Sec. 221.003. TERRITORY.

Sec. 221.004. POWERS.

Sec. 221.005. LIMITATION OF AUTHORITY; STATE SUPERVISION.

Sec. 221.006. DAMS AND RESERVOIRS; WATER SUPPLY CONTRACTS.

- Sec. 221.007. PRIORITY OF RIGHTS.
- Sec. 221.008. BOND PROVISIONS.
- Sec. 221.009. BOARD OF DIRECTORS; BONDS; QUORUM; OFFICERS.
- Sec. 221.010. CREATION OF MASTER DISTRICT; WATER CONTROL AND IMPROVEMENT DISTRICT.
- Sec. 221.011. BOND ELECTION REQUIRED.
- Sec. 221.012. ADDITIONAL POWERS AND DUTIES.
- Sec. 221.013. DISPOSITION OF PROPERTY.
- Sec. 221.014. ACQUISITION OF PROPERTY; EMINENT DOMAIN.
- Sec. 221.015. CONTRACTS, GRANTS, AND LOANS.
- Sec. 221.016. RULES.
- Sec. 221.017. USE OF BRAZOS RIVER AND TRIBUTARIES.
- Sec. 221.018. DEFAULT PROCEDURES.
- Sec. 221.019. LIMITED LIABILITY FOR AQUATIC HERBICIDE APPLICATION.

#### CHAPTER 222. LOWER COLORADO RIVER AUTHORITY

- Sec. 222.001. CREATION.
- Sec. 222.002. DEFINITIONS.
- Sec. 222.003. TERRITORY.
- Sec. 222.004. POWERS AND DUTIES.
- Sec. 222.005. LIMITATIONS OF AUTHORITY.
- Sec. 222.006. BOARD OF DIRECTORS.
- Sec. 222.007. OFFICERS; GENERAL MANAGER; EMPLOYEES.
- Sec. 222.008. DISBURSEMENT OF FUNDS; SURETY BONDS.
- Sec. 222.009. OFFICE; RECORDS.
- Sec. 222.010. CONFLICT OF INTEREST.
- Sec. 222.011. RATES AND CHARGES.
- Sec. 222.012. PAYMENT OF DEBTS.
- Sec. 222.013. ISSUANCE OF BONDS.
- Sec. 222.014. DEFAULT PROCEDURES.
- Sec. 222.015. BOND APPROVAL AND REGISTRATION.

Sec. 222.016. AUDIT.

Sec. 222.017. AUTHORITY AS CONSERVATION AND RECLAMATION DISTRICT

Sec. 222.018. BONDS AS NEGOTIABLE INSTRUMENTS.

Sec. 222.019. ADDITIONAL POWERS RELATING TO CONTRACTS, RULES, AND REGULATIONS.

Sec. 222.020. PURCHASE OF BONDS.

Sec. 222.021. DISPOSITION OF PROPERTY.

Sec. 222.022. PROPERTY AGREEMENTS WITH CITY OF AUSTIN.

Sec. 222.023. PROPERTY USEFUL IN THE PRODUCTION OR UTILIZATION OF ELECTRIC ENERGY.

Sec. 222.024. PUBLIC ACCESS.

Sec. 222.025. BONDS EXEMPT FROM TAXATION.

Sec. 222.026. SOURCE OF AUTHORITY.

Sec. 222.027. BONDS AS INVESTMENTS AND SECURITY FOR DEPOSITS.

Sec. 222.028. CONSTRUCTION.

Sec. 222.029. AUTHORITY POWERS IN LAMPASAS COUNTY.

Sec. 222.030. ADDITIONAL SPECIFIC POWERS.

Sec. 222.031. PROVISION OF WATER TO MUNICIPALITY OUTSIDE COLORADO RIVER BASIN.

Sec. 222.032. AUTHORITY OF MUNICIPALITY TO CONTRACT FOR WATER.

SECTION 2. (a) Requires the governor, as soon as practicable on or after September 1, 2003, to appoint nine directors as provided by Section 221.009, Water Code, as added by this Act. Provides that the position of a member of the Brazos River Authority board of directors serving immediately before September 1, 2003, is abolished at the time five or more of the newly appointed directors qualify for office. Requires the new directors to draw lots to see which three of the directors' terms expire on February 1, 2005, which three expire on February 1, 2007, and which three expire on February 1, 2009. Provides that until the abolition of members' positions occurs under this subsection, the members serving immediately before September 1, 2003, have the same powers and duties that the members had immediately before that date and the board of directors continues to be composed in the way it was composed before that date, and the former law is continued in effect for that purpose.

(b) Requires the governor, as soon as practicable on or after September 1, 2003, to appoint nine directors as provided by Section 222.006, Water Code, as added by this Act. Provides that the position of a member of the Lower Colorado River Authority board of directors serving immediately before September 1, 2003, is abolished at the time five or more of the newly appointed directors qualify for office. Requires the new directors to draw lots to see which three of the directors' terms expire on February 1, 2005, which three expire on February 1, 2007, and which three expire on February 1, 2009. Provides that until the abolition of members' positions occurs under this subsection, the members serving immediately before September 1, 2003, have the same powers and duties that the members had immediately before that date and the board of directors continues to be

composed in the way it was composed before that date, and the former law is continued in effect for that purpose.

SECTION 3. (a) Repealers:

- (1) Chapter 13, Special Laws, Acts of the 41st Legislature, 2nd Called Session, 1929;
- (2) Chapter 3, Acts of the 43rd Legislature, 4th Called Session, 1934;
- (3) Sections 6 and 7, Chapter 19, General Laws, Acts of the 44th Legislature, Regular Session, 1935; and
- (4) Chapter 368, Acts of the 44th Legislature, 1st Called Session, 1935.

(b) Repealers:

- (1) Chapter 7, Acts of the 43rd Legislature, 4th Called Session, 1934; and
- (2) Section 2, Chapter 132, Acts of the 77th Legislature, Regular Session, 2001.

SECTION 4. Effective date: September 1, 2003.