

BILL ANALYSIS

Senate Research Center
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S.B. 606
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Water & Rural Affairs
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 606 is the Sunset bill for the Lower Colorado River Authority (LCRA). The legislature created LCRA to develop, conserve, and protect the water and land of the lower Colorado River basin, and to provide electricity to Central Texas.

LCRA is not subject to abolishment, but its non-electric operations are subject to review every 12 years. Overall, this Sunset review concluded that LCRA is a well-functioning organization that has to balance many competing interests and needs. Thus, the changes adopted by Sunset and incorporated into S.B. 606 focus on improving public engagement, transparency, and trust. For example, S.B. 606 requires LCRA to adopt a public engagement policy for water supply projects, directs LCRA to provide an official opportunity for public testimony at its board meetings and at meetings of its committees-of-the-whole, and requires LCRA to develop and maintain a system for receiving and acting on complaints.

As proposed, S.B. 606 amends current law relating to the Lower Colorado River Authority, following recommendations of the Sunset Advisory Commission.

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 Chapter 8503, Special District Local Laws Code, by adding Sections 8503.0065, 8503.0105, 8503.0106, 8503.0107, 8503.0108 as follows:

Sec. 8503.0065. DIRECTOR TRAINING. (a) 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 meeting of the board of directors of the Lower Colorado River Authority (board; LCRA) until the person completes a training program that complies with this section.

(b) Requires the training program to provide the person with information regarding:

- (1) the law governing LCRA authority operations;
- (2) the programs, functions, rules, and budget of LCRA;
- (3) the scope of and limitations on the rulemaking authority of LCRA;
- (4) the results of the most recent formal audit of LCRA;
- (5) the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosure of conflicts of interest; and

(B) other laws applicable to members of the governing body of a river authority in performing their duties; and

(6) any applicable ethics policies adopted by LCRA or the Texas Ethics Commission.

(c) Provides that a person appointed to the board is entitled to reimbursement for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

(d) Requires the general manager of LCRA (general manager) to create a training manual that includes the information required by Subsection (b) of this section. Requires the general manager to distribute a copy of the training manual annually to each director. Requires each director to sign and submit to the general manager a statement acknowledging that the director has received the training manual.

Sec. 8503.0105. PUBLIC ENGAGEMENT POLICY. Requires the board to develop and implement a policy that provides a structure for public engagement in regard to water supply projects. Requires the policy to include a clear and detailed description of how LCRA will seek to actively engage stakeholders, including the possible use of advisory committees, community panels, town hall meeting, and other strategies on a recurring basis.

Sec. 8503.0106. COMPLAINTS. (a) Requires LCRA to maintain a system to promptly and efficiently act on complaints filed with LCRA. Requires LCRA to maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b) Requires LCRA to make information available to the public, including on the LCRA website, describing its procedures for complaint investigation and resolution.

(c) Requires LCRA to periodically notify the complaint parties of the status of the complaint until final disposition.

(d) Requires LCRA to develop a standard form and a procedure for submitting complaints to LCRA and to make that form and procedure available on the LCRA website. Requires LCRA to also make available on its website clear information about what a person making a complaint should expect after the complaint is filed, including timelines for response and resolution.

Sec. 8503.0107. PUBLIC TESTIMONY. (a) Defines "committee-of-the-whole."

(b) 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 jurisdiction of LCRA.

(c) Requires the board, at each regular meeting of the board and each meeting as a committee-of-the-whole, to include public testimony as a meeting agenda item and to allow members of the public to comment on every agenda item and other matters under the jurisdiction of LCRA. Prohibits the board from deliberating or deciding a matter not included in the meeting agenda except to discuss including the matter on the agenda for a subsequent meeting.

Sec. 8503.0108. ALTERNATIVE RULEMAKING AND DISPUTE RESOLUTION PROCEDURES. (a) Requires the board to develop a policy to encourage the use of negotiated rulemaking procedures under Chapter 2008 (Negotiated Rulemaking), Government Code, for the adoption of LCRA rules, and appropriate alternative dispute resolution procedures under Chapter 2009 (Alternative Dispute Resolution for Use by Governmental Bodies), Government Code, to assist in the resolution of internal and external disputes under LCRA's jurisdiction.

(b) Requires LCRA's procedures relating to alternative dispute resolution to conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) Requires LCRA to coordinate the implementation of the policy adopted under Subsection (a) of this section, provide training as needed to implement the procedures for negotiated rulemaking or alternative dispute resolution, and collect data concerning the effectiveness of those procedures.

SECTION 2. Authorizes a person serving on the board, notwithstanding Section 8503.0065, Special District Local laws Code, as added by this Act to vote, deliberate, and be counted as a director in attendance at a meeting of the board until December 1, 2019.

SECTION 3. Effective date: September 1, 2019.