

BILL ANALYSIS

C.S.H.B. 2180
By: Flynn
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Sulphur River Basin Authority is subject to review but not abolishment under the Texas Sunset Act. C.S.H.B. 2180 seeks to revise and update the authority's enabling legislation and includes statutory modifications recommended by the Sunset Advisory Commission.

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

C.S.H.B. 2180 amends Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, to revise and update the governing provisions of the Sulphur River Basin Authority. The bill updates the sunset review date of the authority. The bill adds a member to the authority's board of directors who is appointed to represent the authority at large. The bill replaces the requirement for the board to elect a board member as president with a requirement that the governor designate a board member as the presiding officer of the board to serve in that capacity at the pleasure of the governor. The bill sets the terms of the board members serving on the bill's effective date to expire on September 1, 2017, requires the governor, not later than September 2, 2017, to make new member appointments, provides for the terms of the new members, and authorizes the governor to appoint to the board a member whose term is set to expire by the bill.

C.S.H.B. 2180 sets out provisions relating to the board training program and prohibits a person who is appointed to and qualifies for office as a member of the board from voting, deliberating, or being counted as a member in attendance at a meeting of the board until the person completes a training program that complies with those provisions. The bill includes a temporary provision set to expire January 1, 2018, authorizing a person serving on the board, notwithstanding this prohibition, to vote, deliberate, and be counted as a director in attendance at a meeting of the board until December 1, 2017.

C.S.H.B. 2180 provides for an authority policy that encourages the use of negotiated rulemaking procedures and appropriate alternative dispute resolution procedures and for an increase in director compensation. 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 executive director and staff of the authority. 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.

C.S.H.B. 2180 removes as a purpose for which the authority may exercise the powers of control and use of the state's water the control, storage, and use of storm water, floodwater, and unappropriated flow water in the development and distribution of hydroelectric power. The bill repeals provisions that provide authority for forestation and reforestation, solid waste services, and parks and recreational facilities.

C.S.H.B. 2180 requires the board, before voting on a proposed project for which the board will seek a permit, to obtain advice on the proposed project from the county judge of each county in which the proposed project is proposed to be located. The bill limits the activities the authority may undertake and carry out under general contracting provisions from any activity to an activity that is related to or necessary in carrying out or performing any power or function of the authority.

C.S.H.B. 2180 repeals the following provisions of Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985:

- Section 2(5)
- Section 18
- Section 21
- Section 22

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2180 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 1A(a), Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, is amended.	SECTION 1. Same as introduced version.
SECTION 2. Section 2(11), Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, is amended.	SECTION 2. Same as introduced version.
SECTION 3. Section 3(a), Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, is amended.	SECTION 3. Same as introduced version.
SECTION 4. Section 4, Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, is amended.	SECTION 4. Same as introduced version.
SECTION 5. Section 6, Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, is amended by amending Subsections (a), (b), (c), and (i) and adding Subsections	SECTION 5. Section 6, Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, is amended by amending Subsections (a), (b), (c), and (i) and adding Subsection

(j) and (k) to read as follows:

(a) The authority shall be governed by a board of directors composed of seven [~~six~~] members. The members of the board shall be appointed by the governor with the advice and consent of the senate. One member of the board shall be appointed to represent the authority at large. Two members of the board shall be appointed from each of the following regions:

(1) Region 1: Bowie and Red River counties;

(2) Region 2: Cass, Franklin, Hunt, Morris, and Titus counties; and

(3) Region 3: Delta, Hopkins, and Lamar counties.

(b) Each member of the board must be a qualified elector. A member of the board appointed to represent a region under Subsection (a) must be [~~and~~] a resident of a county in the region for which the member [~~he~~] is appointed.

(c) ~~Each~~ [~~Except for the initial members of the board, each~~] member of the board shall serve for a term of six years and until the member's [~~his~~] successor has qualified. [~~Of the six initial members appointed by the governor, the governor shall designate two members to serve for terms that expire on February 1, 1987, two members to serve for terms that expire on February 1, 1989, and two members to serve for terms that expire on February 1, 1991.~~]

(i) The governor shall designate a member of the board as the presiding officer of the board to serve in that capacity at the pleasure of the governor.

(j) The board shall elect [~~a president,~~] one or more vice-presidents, a secretary, a treasurer, and other officers as the members of the board consider necessary. The presiding officer [~~president~~] and vice-president must be members of the board, but other officers are not required to be members of the board. The offices of the secretary and treasurer may be combined, and the offices of assistant secretary and assistant treasurer may be combined.

(k) A person appointed to the board on or before January 1, 2016, is not eligible for reappointment to the board. A person appointed to the board after January 1, 2016, is eligible for reappointment.

(j) to read as follows:

(a) The authority shall be governed by a board of directors composed of seven [~~six~~] members. The members of the board shall be appointed by the governor with the advice and consent of the senate. One member of the board shall be appointed to represent the authority at large. Two members of the board shall be appointed from each of the following regions:

(1) Region 1: Bowie and Red River counties;

(2) Region 2: Cass, Franklin, Hunt, Morris, and Titus counties; and

(3) Region 3: Delta, Hopkins, and Lamar counties.

(b) Each member of the board must be a qualified elector. A member of the board appointed to represent a region under Subsection (a) must be [~~and~~] a resident of a county in the region for which the member [~~he~~] is appointed.

(c) ~~Each~~ [~~Except for the initial members of the board, each~~] member of the board shall serve for a term of six years and until the member's [~~his~~] successor has qualified. [~~Of the six initial members appointed by the governor, the governor shall designate two members to serve for terms that expire on February 1, 1987, two members to serve for terms that expire on February 1, 1989, and two members to serve for terms that expire on February 1, 1991.~~]

(i) The governor shall designate a member of the board as the presiding officer of the board to serve in that capacity at the pleasure of the governor.

(j) The board shall elect [~~a president,~~] one or more vice-presidents, a secretary, a treasurer, and other officers as the members of the board consider necessary. The presiding officer [~~president~~] and vice-president must be members of the board, but other officers are not required to be members of the board. The offices of the secretary and treasurer may be combined, and the offices of assistant secretary and assistant treasurer may be combined.

No equivalent provision. (*But see SECTION 15(d) below.*)

SECTION 6. Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, is amended.

SECTION 7. Section 8, Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, is amended.

SECTION 8. Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, is amended.

SECTION 9. Sections 17(b) and (d), Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, are amended.

SECTION 10. Sections 20 and 23, Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, are amended.

SECTION 11. Section 24(a), Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, is amended.

SECTION 12. Sections 29(b) and (c), Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, are amended.

SECTION 13. Section 37, Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, is amended.

SECTION 14. The following sections of Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, are repealed:

- (1) Section 2(5);
- (2) Section 18;
- (3) Section 21; and
- (4) Section 22.

SECTION 15. (a) The terms of the members of the board of directors of the Sulphur River Basin Authority serving on the effective date of this Act expire on September 1, 2017.

(b) Not later than September 2, 2017, the governor shall make the appointments required by Section 6, Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, as amended by this Act.

(c) Notwithstanding Section 6(c), Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, as amended by this Act, of the seven initial members appointed by the governor under that section, the governor

SECTION 6. Same as introduced version.

SECTION 7. Same as introduced version.

SECTION 8. Same as introduced version.

SECTION 9. Same as introduced version.

SECTION 10. Same as introduced version.

SECTION 11. Same as introduced version.

SECTION 12. Substantially the same as introduced version.

SECTION 13. Same as introduced version.

SECTION 14. Same as introduced version.

SECTION 15. (a) The terms of the members of the board of directors of the Sulphur River Basin Authority serving on the effective date of this Act expire on September 1, 2017.

(b) Not later than September 2, 2017, the governor shall make the appointments required by Section 6, Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, as amended by this Act.

(c) Notwithstanding Section 6(c), Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, as amended by this Act, of the seven initial members appointed by the governor under that section, the governor

shall designate two members to serve for terms that expire on February 1, 2019, two members to serve for terms that expire on February 1, 2021, and three members to serve for terms that expire on February 1, 2023.

No equivalent provision. *(But see Section 6(k), Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, in SECTION 5 above.)*

SECTION 16. (a) Notwithstanding Section 6A, Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, as added by this Act, a person serving on the board of directors of the Sulphur River Basin Authority may vote, deliberate, and be counted as a director in attendance at a meeting of the board until December 1, 2017.

(b) This section expires January 1, 2018.

SECTION 17. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 18. This Act takes effect September 1, 2017.

shall designate two members to serve for terms that expire on February 1, 2019, two members to serve for terms that expire on February 1, 2021, and three members to serve for terms that expire on February 1, 2023.

(d) The governor may appoint to the board of directors under Subsection (b) of this section a member whose term expires under Subsection (a) of this section.

SECTION 16. Same as introduced version.

SECTION 17. Same as introduced version.

SECTION 18. Same as introduced version.