

**SUBJECT:** Adopting certain Sunset recommendations for the UGRA

**COMMITTEE:** Natural Resources — favorable, without amendment

**VOTE:** 6 ayes — T. King, Gámez, Kacal, Lalani, Rogers, Zwiener  
0 nays  
5 absent — E. Thompson, Kitzman, Metcalf, Price, Ramos

**WITNESSES:** For — (*Registered, but did not testify*: Tara Bushnoe, Upper Guadalupe River Authority)  
Against — None  
On — (*Registered, but did not testify*: Robert Romig, Katherina Wierschke, Sunset Advisory Commission)

**BACKGROUND:** The Upper Guadalupe River Authority (UGRA) was created by the Legislature in 1939 to control, store, preserve, and distribute portions of the Guadalupe River and its tributaries within Kerr County.

**Functions.** The UGRA primarily operates a certified lab to regularly assess area water quality and encourages voluntary stewardship practices to protect the Guadalupe River watershed from threats such as flooding, sedimentation, water pollution, and invasive species. The agency also works to monitor and improve the water quality of the Guadalupe River and its tributaries while providing outreach and education programs about the river system.

**Governing structure.** The authority is governed by a nine-member board appointed by the governor with the advice and consent of the Senate. Directors serve staggered six-year terms, and the board elects a president, vice president, secretary, and treasurer from its members. The board adopts a meeting schedule each year.

**Funding.** UGRA receives no state appropriations but has voter-approved authority to assess local taxes and issue bonds. In fiscal 2021, UGRA collected about \$1.65 million and spent about \$1.57 million. Its primary source of revenue is from taxes, penalties, and interest, but other revenue sources include fees generated by UGRA's lab services, rent collected from tenants, investment earnings, and intergovernmental contracts.

**Staffing.** In fiscal 2021, UGRA employed seven full-time staff.

SB 523 by Birdwell, enacted by the 84th Legislature in 2015, subjected the Upper Guadalupe Authority to limited Sunset review every 12 years as if it were a state agency, except that the authority may not be abolished.

DIGEST: HB 1555 would continue the Upper Guadalupe River Authority until 2035.

The bill would make certain amendments to the agency's governance, authorizing the governor to appoint a director to serve as president of the board of directors. The bill also would change the term limit for directors from six to four years and increase the number of directors whose terms would expire on February 1 of each odd numbered year from three to either four or five.

The bill would require the six agency directors whose terms did not expire on February 1, 2025, following the effective date of the bill, to draw lots to determine which director would serve a term that expired on February 1, 2025, and which five directors would serve terms that expired on February 1, 2027.

The bill also would institute standard Sunset across-the-board provisions related to:

- governor designation of state agency board chairs;
- specific grounds for removal of agency board members;
- board member training;
- separation of agency board and staff functions;

- public testimony at board meetings; and
- information on complaints.

The bill would take effect September 1, 2023.

**SUPPORTERS  
SAY:**

HB 1555 would apply best practices and standards to UGRA's governing law. Included among these new standards would be authority of the governor to appoint the presiding officer of the board of directors, which would ensure a more direct connection between the board and the state's highest elected official while providing increased accountability to state leadership. This provision also would align UGRA's governance policies with the state's two largest river authorities, which also have governor-appointed presiding officers.

**CRITICS  
SAY:**

By altering the practice by which presiding officers are chosen, HB 1555 would remove an effective policy that has produced experienced and engaged board officers. UGRA currently elects its president, vice-president, secretary, and treasurer with the expectation that board members serve in roles of increasing responsibility, eventually progressing to president. This arrangement has resulted in officers with unique perspectives and skill sets, and the agency should be allowed to continue the practice.