

1-1 By: Clardy, et al. (Senate Sponsor - Johnson) H.B. No. 1555  
1-2 (In the Senate - Received from the House April 26, 2023;  
1-3 May 1, 2023, read first time and referred to Committee on Water,  
1-4 Agriculture & Rural Affairs; May 4, 2023, reported favorably by the  
1-5 following vote: Yeas 9, Nays 0; May 4, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to the Upper Guadalupe River Authority, following the  
1-20 recommendations of the Sunset Advisory Commission; altering terms  
1-21 of the board of directors; specifying grounds for the removal of a  
1-22 member of the board of directors.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 1A(a), Chapter 5, page 1062, Special  
1-25 Laws, Acts of the 46th Legislature, Regular Session, 1939, is  
1-26 amended to read as follows:

1-27 Sec. 1A. (a) The District is subject to review under  
1-28 Chapter 325, Government Code (Texas Sunset Act), but may not be  
1-29 abolished under that chapter. The review shall be conducted under  
1-30 Section 325.025, Government Code, as if the District were a state  
1-31 agency scheduled to be abolished September 1, 2035 [2023], and  
1-32 every 12th year after that year.

1-33 SECTION 2. Section 8, Chapter 5, page 1062, Special Laws,  
1-34 Acts of the 46th Legislature, Regular Session, 1939, is amended to  
1-35 read as follows:

1-36 Section 8. ~~The [It shall not be necessary for the Board of~~  
1-37 ~~Directors to call or hold a hearing on the adoption of a plan of~~  
1-38 ~~taxation, but the]~~ ad valorem plan of taxation shall be used by the  
1-39 District.

1-40 SECTION 3. Section 9, Chapter 5, page 1062, Special Laws,  
1-41 Acts of the 46th Legislature, Regular Session, 1939, is amended by  
1-42 amending Subsections (b), (c), and (d) and adding Subsection (f) to  
1-43 read as follows:

1-44 (b) Directors are appointed by the Governor. The Governor  
1-45 shall designate a Director as the president of the Board to serve in  
1-46 that capacity at the pleasure of the Governor. Directors are  
1-47 appointed for staggered terms of four [~~six (6)~~] years with either  
1-48 four or five [~~three~~] Directors' terms expiring on February 1 of each  
1-49 odd-numbered year. The Governor shall fill a vacancy on the Board  
1-50 by appointment for the unexpired term.

1-51 (c) The Board of Directors shall elect from its number a  
1-52 [~~president, a~~] vice president and a secretary of the Board of  
1-53 Directors and of the District, and such other officers as in the  
1-54 judgment of the Board are necessary. The president, as designated  
1-55 by the Governor, shall be chief executive officer of the District  
1-56 and the presiding officer of the Board, and shall have the same  
1-57 right to vote as any other Director. The vice president shall  
1-58 perform all duties and exercise all power conferred by this Act or  
1-59 the general law upon the president when the president is absent or  
1-60 fails or declines to act. The secretary shall keep and sign the  
1-61 minutes of the meetings of the Board of Directors; and in the

2-1 secretary's [his] absence at any board meeting, a secretary pro tem  
 2-2 shall be named for that meeting who may exercise all the duties and  
 2-3 powers of the secretary for such meeting, sign the minutes thereof,  
 2-4 and attest all orders passed or other action taken at such meeting.  
 2-5 The secretary shall be the custodian of all minutes and records of  
 2-6 the District.

2-7 (d) The Board shall appoint a general manager of the  
 2-8 District and all necessary engineers, attorneys, auditors, and  
 2-9 other employees.

2-10 (f) The Board shall develop and implement policies that  
 2-11 clearly separate the policy-making responsibilities of the Board  
 2-12 and the management responsibilities of the general manager and the  
 2-13 staff of the District.

2-14 SECTION 4. Chapter 5, page 1062, Special Laws, Acts of the  
 2-15 46th Legislature, Regular Session, 1939, is amended by adding  
 2-16 Sections 9A, 9B, 9C, and 9D to read as follows:

2-17 Sec. 9A. (a) It is a ground for removal from the Board that  
 2-18 a Director:

2-19 (1) does not have at the time of taking office the  
 2-20 qualifications required by Section 9(a) of this Act;

2-21 (2) does not maintain during service on the Board the  
 2-22 qualifications required by Section 9(a) of this Act;

2-23 (3) is ineligible for directorship under Chapter 171,  
 2-24 Local Government Code;

2-25 (4) cannot, because of illness or disability,  
 2-26 discharge the Director's duties for a substantial part of the  
 2-27 Director's term; or

2-28 (5) is absent from more than half of the regularly  
 2-29 scheduled Board meetings that the Director is eligible to attend  
 2-30 during a calendar year without an excuse approved by a majority vote  
 2-31 of the Board.

2-32 (b) The validity of an action of the Board is not affected by  
 2-33 the fact that it is taken when a ground for removal of a Director  
 2-34 exists.

2-35 (c) If the general manager has knowledge that a potential  
 2-36 ground for removal exists, the general manager shall notify the  
 2-37 President of the Board of the potential ground. The President shall  
 2-38 then notify the Governor and the Attorney General that a potential  
 2-39 ground for removal exists. If the potential ground for removal  
 2-40 involves the President, the general manager shall notify the next  
 2-41 highest ranking Director, who shall then notify the Governor and  
 2-42 the Attorney General that a potential ground for removal exists.

2-43 Sec. 9B. (a) A person who is appointed to and qualifies for  
 2-44 office as a Director may not vote, deliberate, or be counted as a  
 2-45 Director in attendance at a meeting of the Board until the person  
 2-46 completes a training program that complies with this section.

2-47 (b) The training program must provide the person with  
 2-48 information regarding:

2-49 (1) the law governing District operations;

2-50 (2) the programs, functions, rules, and budget of the  
 2-51 District;

2-52 (3) the scope of and limitations on the rulemaking  
 2-53 authority of the Board;

2-54 (4) the results of the most recent formal audit of the  
 2-55 District;

2-56 (5) the requirements of:

2-57 (A) laws relating to open meetings, public  
 2-58 information, administrative procedure, and disclosing conflicts of  
 2-59 interest; and

2-60 (B) other laws applicable to members of the  
 2-61 governing body of a river authority in performing their duties; and

2-62 (6) any applicable ethics policies adopted by the  
 2-63 District or the Texas Ethics Commission.

2-64 (c) A person appointed to the Board is entitled to  
 2-65 reimbursement for the travel expenses incurred in attending the  
 2-66 training program regardless of whether the attendance at the  
 2-67 program occurs before or after the person qualifies for office.

2-68 (d) The general manager of the District shall create a  
 2-69 training manual that includes the information required by

3-1 Subsection (b) of this section. The general manager shall  
3-2 distribute a copy of the training manual annually to each Director.  
3-3 Each Director shall sign and submit to the general manager a  
3-4 statement acknowledging that the Director received and has reviewed  
3-5 the training manual.

3-6 Sec. 9C. (a) The District shall maintain a system to  
3-7 promptly and efficiently act on complaints filed with the District.  
3-8 The District shall maintain information about parties to the  
3-9 complaint, the subject matter of the complaint, a summary of the  
3-10 results of the review or investigation of the complaint, and its  
3-11 disposition.

3-12 (b) The District shall make information available  
3-13 describing its procedures for complaint investigation and  
3-14 resolution.

3-15 (c) The District shall periodically notify the complaint  
3-16 parties of the status of the complaint until final disposition,  
3-17 unless the notice would jeopardize an investigation.

3-18 Sec. 9D. The Board shall develop and implement policies  
3-19 that provide the public with a reasonable opportunity to appear  
3-20 before the Board and to speak on any issue under the jurisdiction of  
3-21 the District.

3-22 SECTION 5. Section 7, Chapter 5, page 1062, Special Laws,  
3-23 Acts of the 46th Legislature, Regular Session, 1939, is repealed.

3-24 SECTION 6. At the first meeting of the board of the Upper  
3-25 Guadalupe River Authority that follows the effective date of this  
3-26 Act, the six directors of the Upper Guadalupe River Authority whose  
3-27 terms do not expire on February 1, 2025, shall draw lots to  
3-28 determine which director will serve a term that expires on February  
3-29 1, 2025, and which five directors will serve terms that expire on  
3-30 February 1, 2027. The three directors with terms expiring on  
3-31 February 1, 2025, will serve terms that expire on that date.

3-32 SECTION 7. Notwithstanding Section 9B, Chapter 5, page  
3-33 1062, Special Laws, Acts of the 46th Legislature, Regular Session,  
3-34 1939, as added by this Act, a person serving on the board of  
3-35 directors of the Upper Guadalupe River Authority may vote,  
3-36 deliberate, and be counted as a director in attendance at a meeting  
3-37 of the board until December 1, 2023.

3-38 SECTION 8. (a) The legal notice of the intention to  
3-39 introduce this Act, setting forth the general substance of this  
3-40 Act, has been published as provided by law, and the notice and a  
3-41 copy of this Act have been furnished to all persons, agencies,  
3-42 officials, or entities to which they are required to be furnished  
3-43 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
3-44 Government Code.

3-45 (b) The governor, one of the required recipients, has  
3-46 submitted the notice and Act to the Texas Commission on  
3-47 Environmental Quality.

3-48 (c) The Texas Commission on Environmental Quality has filed  
3-49 its recommendations relating to this Act with the governor, the  
3-50 lieutenant governor, and the speaker of the house of  
3-51 representatives within the required time.

3-52 (d) All requirements of the constitution and laws of this  
3-53 state and the rules and procedures of the legislature with respect  
3-54 to the notice, introduction, and passage of this Act are fulfilled  
3-55 and accomplished.

3-56 SECTION 9. This Act takes effect September 1, 2023.

3-57 \* \* \* \* \*