

By: Troxclair

H.B. No. 5226

A BILL TO BE ENTITLED

AN ACT

relating to the addition of two new elected members to the board of directors of the Lower Colorado River Authority.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 8503.006, Special District Local Laws Code, is amended by amending Subsections (a), (b), (c), (d), (e), (f), and (k) and adding Subsection (c-1) to read as follows:

(a) The powers, rights, privileges, and functions of the authority shall be exercised by the board. The board shall consist of 17 [~~15~~] directors and shall include at least one director from each of the counties named in Section 8503.003 except Travis County, which shall have two directors. Three directors shall be appointed at large from the counties served with electric power, other than the counties included in Section 8503.003. Two directors shall be elected at large from the entire district, including the counties that receive water or electricity from the district.

(b) This subsection applies only to appointed directors. A director appointed at large may not serve for a period of more than six consecutive years. A county other than a county included in Section 8503.003 may not be represented on the board for more than six consecutive years. A county other than Travis County may not have two directors for a period greater than six consecutive years.

(c) All directors [~~shall be~~] appointed by the governor with

1 the advice and consent of the senate serve [~~for~~] staggered terms of
2 six years, with five members' terms expiring on February 1 of each
3 odd-numbered year.

4 (c-1) An elected director serves a six-year term. The
5 authority shall hold an election to elect two directors on the
6 uniform election date in November of an even-numbered year, with
7 the term of the elected directors to begin the following February 1.

8 (d) Each appointed director must be a resident and freehold
9 property taxpayer of the county from which the director is
10 appointed and must have been a resident and taxpayer of that county
11 for not less than the two years preceding the director's
12 appointment. Not more than two appointed directors may be
13 residents of the same county.

14 (e) A person is not eligible for appointment or election as
15 a director if the person has, during the three years preceding the
16 person's appointment, been employed by an electric power and light
17 company, a telephone company, or any other utility company.

18 (f) At the expiration of the term of an appointed [~~a~~]
19 director, a successor shall be appointed by the governor with the
20 advice and consent of the senate. Each appointed director shall
21 hold office until the expiration of the term for which the director
22 was appointed and until a successor has been appointed and has
23 qualified, unless removed sooner as provided by this section.

24 (k) Nine [~~Eight~~] directors constitute a quorum at any
25 meeting and, except as otherwise provided by this chapter or in the
26 bylaws, all action may be taken by the affirmative vote of a
27 majority of the directors present at any meeting, except that

1 bonds, notes, or other evidence of indebtedness are subject to the
2 requirements of Sections 8503.004(p) and 8503.013(f), and no
3 amendment of the bylaws shall be valid unless authorized or
4 ratified by the affirmative vote of at least eight directors,
5 unless otherwise specifically provided by this chapter.

6 SECTION 2. Section 8503.004(p), Special District Local Laws
7 Code, is amended to read as follows:

8 (p) The authority may borrow money for its corporate
9 purposes on notes or other written evidence of indebtedness for a
10 period not to exceed five years as may be authorized from time to
11 time by an affirmative vote of 13 [~~12~~] members of the board and
12 repay the loans or indebtedness from the proceeds of bonds of the
13 authority at the next bond offering. The authority may borrow money
14 and accept grants from the United States, this state, or any
15 corporation or agency created or designated by the United States or
16 this state and, in connection with the loan or grant, may enter into
17 an agreement that the United States, this state, or the corporation
18 or agency requires. The authority may make and issue negotiable
19 bonds for money borrowed in the manner provided by Sections
20 8503.013 and 8503.014 or other general law. This chapter does not
21 authorize the issuance of any bonds, notes, or other evidences of
22 indebtedness of the authority except as specifically provided by
23 this chapter or other general law.

24 SECTION 3. Section 8503.013(f), Special District Local Laws
25 Code, is amended to read as follows:

26 (f) Bonds shall be authorized by resolution of the board
27 concurred in by at least 13 [~~12~~] of the members.

1 SECTION 4. The Lower Colorado River Authority shall hold
2 the first election to elect directors as described by Section
3 8503.006, Special District Local Laws Code, as amended by this Act,
4 on the uniform election date in November 2024.

5 SECTION 5. (a) The legal notice of the intention to
6 introduce this Act, setting forth the general substance of this
7 Act, has been published as provided by law, and the notice and a
8 copy of this Act have been furnished to all persons, agencies,
9 officials, or entities to which they are required to be furnished
10 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
11 Government Code.

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

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

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

23 SECTION 6. This Act takes effect September 1, 2023.