

1-1 By: Paxton, et al. S.B. No. 2586  
1-2 (In the Senate - Filed March 28, 2023; April 5, 2023, read  
1-3 first time and referred to Committee on Water, Agriculture & Rural  
1-4 Affairs; April 17, 2023, reported favorably by the following vote:  
1-5 Yeas 9, Nays 0; April 17, 2023, sent to printer.)

1-6	COMMITTEE VOTE				
1-7		Yea	Nay	Absent	PNV
1-8	Perry	X			
1-9	Hancock	X			
1-10	Blanco	X			
1-11	Flores	X			
1-12	Gutierrez	X			
1-13	Johnson	X			
1-14	Kolkhorst	X			
1-15	Sparks	X			
1-16	Springer	X			

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

1-19 relating to the San Jacinto River Authority, following  
1-20 recommendations of the Sunset Advisory Commission; specifying  
1-21 grounds for the removal of a member of the board of directors.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 1A(a), Chapter 426, Acts of the 45th  
1-24 Legislature, Regular Session, 1937, is amended to read as follows:

1-25 (a) The District is subject to review under Chapter 325,  
1-26 Government Code (Texas Sunset Act), but may not be abolished under  
1-27 that chapter. The review shall be conducted under Section 325.025,  
1-28 Government Code, as if the District were a state agency scheduled to  
1-29 be abolished September 1, 2035 [2023], and every 12th year after  
1-30 that year.

1-31 SECTION 2. Section 6, Chapter 426, Acts of the 45th  
1-32 Legislature, Regular Session, 1937, is amended to read as follows:

1-33 Sec. 6. The management and control of all the affairs of  
1-34 said District shall be vested in, and the powers, rights,  
1-35 privileges, and functions of the District shall be exercised by a  
1-36 Board of Directors consisting of seven [six (6)] members, all of  
1-37 whom shall be freehold property taxpayers and legal voters of the  
1-38 State of Texas and four (4) of whom shall be residents of a county  
1-39 wholly encompassed by the District. Members of such Board of  
1-40 Directors shall be appointed by the Governor for terms of four [six  
1-41 (6)] years. [Provided, the present Board of six (6) directors of  
1-42 said District, appointed by the State Board of Water Engineers  
1-43 under authority of House Bill No. 1094, Chapter 613, Acts of the  
1-44 Regular Session of the Forty-seventh Legislature, amending Section  
1-45 6 of Chapter 426, Acts of the Regular Session of the Forty-fifth  
1-46 Legislature, as amended by House Bill No. 828, Chapter 480, Acts of  
1-47 the Regular Session of the Forty-seventh Legislature, for terms of  
1-48 two (2), four (4), and six (6) years, shall continue to serve as  
1-49 such until the expiration of the respective terms for which they  
1-50 were appointed. Upon the expiration of the terms for which the  
1-51 present members of the Board of Directors were appointed, the  
1-52 successors of each and all of them shall be appointed by the  
1-53 Governor for a term of six (6) years.]

1-54 The Directors shall hold office after their appointment and  
1-55 qualification until their successors shall be appointed and  
1-56 qualified. Should any vacancy occur in the Board of Directors, the  
1-57 same shall be filled in like manner by the Governor for the  
1-58 unexpired term. The Directors appointed shall, within thirty (30)  
1-59 days after their appointment, qualify by taking the official oath  
1-60 required of County Commissioners, and shall execute bond in the sum  
1-61 of Five Thousand Dollars (\$5,000) payable to the District, the

sufficiency of which bond shall be determined by the Governor, which bonds after being recorded in the official bond records of the county in which the District maintains its office shall be deposited with the depository selected and approved for the deposit of the funds of the District.

The Governor shall designate a Director as the President of the Board to serve in that capacity at the pleasure of the Governor.

The Board of Directors shall organize by electing one of its members

[~~President, one~~] Vice-President, one Secretary, and one Treasurer.

Four (4) members, including the President [~~presiding officer~~],

shall constitute a quorum to transact business. The President

shall preside at all meetings of the Board and shall be the chief

executive officer of the District. The Vice-President shall act as

President in case of the absence or disability of the President.

The Secretary shall act as Secretary of the Board and shall be

charged with the duty of keeping a record of all proceedings and all

orders of the Board. The Treasurer shall receive and receipt for

all moneys received by the District and shall keep books and records

of all moneys received and expended. In case of the absence or

inability of the Secretary to act, a Secretary pro tem shall be

selected by the Directors.

The domicile of the District shall be in the City of Conroe,

in the County of Montgomery, Texas, where the District shall

maintain its principal office. The Board of Directors shall have

authority to fix the time, place and number of meetings of such

Board by proper resolutions, regulations and bylaws passed by said

Board. Said Board shall cause to be kept complete and accurate

accounts conforming to approved methods of bookkeeping. Said

accounts and all contracts, documents, and records of the District

shall be kept at said principal office, and same shall be open to

public inspection at all reasonable times.

SECTION 3. Chapter 426, Acts of the 45th Legislature,

Regular Session, 1937, is amended by adding Sections 6A, 6B, 6C, 6D,

6E, and 6F to read as follows:

Sec. 6A. (a) It is a ground for removal from the Board of

Directors that a Director:

(1) does not have at the time of taking office the

qualifications required by Section 6 of this Act;

(2) does not maintain during service on the Board the

qualifications required by Section 6 of this Act;

(3) is ineligible for directorship under Chapter 171,

Local Government Code;

(4) cannot, because of illness or disability,

discharge the Director's duties for a substantial part of the

Director's term; or

(5) is absent from more than half of the regularly

scheduled Board meetings that the Director is eligible to attend

during a calendar year without an excuse approved by a majority vote

of the Board.

(b) The validity of an action of the Board is not affected by

the fact that it is taken when a ground for removal of a Director

exists.

(c) If the general manager has knowledge that a potential

ground for removal exists, the general manager shall notify the

President of the Board of the potential ground. The President shall

then notify the Governor and the Attorney General that a potential

ground for removal exists. If the potential ground for removal

involves the President, the general manager shall notify the next

highest ranking Director, who shall then notify the Governor and

the Attorney General that a potential ground for removal exists.

Sec. 6B. (a) A person who is appointed to and qualifies for

office as a Director may not vote, deliberate, or be counted as a

Director in attendance at a meeting of the Board of Directors until

the person completes a training program that complies with this

section.

(b) The training program must provide the person with

information regarding:

(1) the law governing District operations;

(2) the programs, functions, rules, and budget of the

District;

(3) the scope of and limitations on the rulemaking authority of the District;

(4) the results of the most recent formal audit of the District;

(5) the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosing 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 the District or the Texas Ethics Commission.

(c) 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) The general manager of the District shall create a training manual that includes the information required by Subsection (b) of this section. The general manager shall distribute a copy of the training manual annually to each Director. Each Director shall sign and submit to the general manager a statement acknowledging that the Director received and has reviewed the training manual.

Sec. 6C. The Board of Directors shall develop and implement policies that clearly separate the policy-making responsibilities of the Board and the management responsibilities of the general manager and the staff of the District.

Sec. 6D. (a) The District shall maintain a system to promptly and efficiently act on complaints filed with the District. The District shall 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) The District shall make information available describing its procedures for complaint investigation and resolution.

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

Sec. 6E. The Board of Directors shall 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 the District.

Sec. 6F. The Board of Directors shall develop and implement a comprehensive policy that provides a structure for public engagement in advance of major actions and projects. The policy must include a clear and detailed description of how the District will seek to actively engage stakeholders, including the possible use of:

(1) advisory committees;

(2) community panels;

(3) town hall meetings;

(4) surveys; and

(5) other strategies on a recurring basis.

SECTION 4. The member of the board of directors of the San Jacinto River Authority whose term expires in November 2027 shall continue in office until the member's successor is appointed to and qualifies for a term of four years beginning in October 2027.

SECTION 5. (a) Except as provided by Subsection (b) of this section, Section 6B, Chapter 426, Acts of the 45th Legislature, Regular Session, 1937, as added by this Act, applies to a member of the board of directors of the San Jacinto River Authority appointed before, on, or after the effective date of this Act.

(b) Notwithstanding Section 6B, Chapter 426, Acts of the 45th Legislature, Regular Session, 1937, as added by this Act, a person serving on the board of directors of the San Jacinto River Authority may vote, deliberate, and be counted as a director in

attendance at a meeting of the board until December 1, 2023. A director may not vote, deliberate, or be counted as a member in attendance at a meeting of the board held on or after December 1, 2023, until the member completes the training required by that section.

SECTION 6. (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 7. This Act takes effect September 1, 2023.

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