

By: Lucio

S.B. No. 1616

A BILL TO BE ENTITLED

AN ACT

relating to the composition of the Texas Water Development Board.

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

SECTION 1. Section 6.052, Water Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The board is composed of five ~~[three]~~ members as follows:

(1) one ~~[who are appointed by the governor with the advice and consent of the senate. One]~~ member who must have experience in the field of engineering;

(2) [7] one member who must have experience in the field of public or private finance;

(3) [7 and] one member who must have experience in the field of law or business;

(4) the commissioner of agriculture; and

(5) the commissioner of the General Land Office.

(a-1) Members described by Subsections (a)(1), (2), and (3) are appointed by the governor with the advice and consent of the senate. The commissioner of agriculture and the commissioner of the General Land Office serve ex officio and may not receive compensation for service on the board.

SECTION 2. Section 6.053(a), Water Code, is amended to read as follows:

1 (a) Appointed members [~~Members~~] of the board must be members
2 of the general public.

3 SECTION 3. Sections 6.054(a) and (d), Water Code, are
4 amended to read as follows:

5 (a) It is a ground for removal from the board of an appointed
6 member that the [~~a~~] member:

7 (1) does not have at the time of taking office the
8 qualifications required for appointment to the board;

9 (2) does not maintain during service on the board the
10 qualifications required for appointment to the board;

11 (3) is ineligible for membership under Sections 6.053,
12 6.057, and 6.058;

13 (4) cannot, because of illness or disability,
14 discharge the member's duties for a substantial part of the member's
15 term; or

16 (5) is absent from more than half of the regularly
17 scheduled board meetings that the member is eligible to attend
18 during a calendar year without an excuse approved by a majority vote
19 of the board.

20 (d) The governor, with the advice and consent of the senate,
21 may remove an appointed [~~a~~] board member from office as provided by
22 Section 9, Article XV, Texas Constitution.

23 SECTION 4. Section 6.056(a), Water Code, is amended to read
24 as follows:

25 (a) The appointed members of the board hold office for
26 staggered terms of six years, with the term of one member expiring
27 February 1 of each odd-numbered year. Each appointed member holds

office until a successor is appointed and has qualified.

SECTION 5. Section 6.057(b), Water Code, is amended to read as follows:

(b) A person may not be an appointed [a] member of the board and may not be a board employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of water planning or water financing; or

(2) the person's spouse is an officer, employee, or paid consultant of a Texas trade association in the field of water planning or water financing.

SECTION 6. Section 6.058, Water Code, is amended to read as follows:

Sec. 6.058. LOBBYIST PROHIBITION. A person may not be an appointed [a] member of the board or act as the general counsel to the board if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the board.

SECTION 7. Section 6.061, Water Code, is amended to read as follows:

Sec. 6.061. FULL-TIME SERVICE. Each appointed member of the board shall serve on a full-time basis.

SECTION 8. Sections 6.062(a) and (c), Water Code, are amended to read as follows:

(a) A person who is appointed to and qualifies for office as a member of the board or serves as an ex officio member of the board may not vote, deliberate, or be counted as a member in attendance at a meeting of the board until the person completes a training program that complies with this section.

(c) A person appointed to the board or who serves as an ex officio member of the board is entitled to reimbursement, as provided by the General Appropriations Act, 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.

SECTION 9. Section 20.012(a), Water Code, is amended to read as follows:

(a) The authority is governed by a board of directors composed of the ~~six~~ directors of the development board.

SECTION 10. This Act takes effect September 1, 2015.