By:  Paddie (Senate Sponsor - Hall) H.B. No. 1570

(In the Senate - Received from the House April 21, 2021; May 13, 2021, read first time and referred to Committee on Natural Resources & Economic Development; May 19, 2021, reported favorably by the following vote: Yeas 7, Nays 0; May 19, 2021, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Birdwell        X

Zaffirini                X

Alvarado        X

Hancock         X

Hinojosa        X

Hughes                   X

Kolkhorst       X

Lucio           X

Seliger         X

A BILL TO BE ENTITLED

AN ACT

relating to the Brazos River Authority, following recommendations of the Sunset Advisory Commission; specifying grounds for the removal of a member of the board of directors.

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

SECTION 1.  Section 8502.0021(a), Special District Local Laws Code, is amended to read as follows:

(a)  The authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the authority were a state agency scheduled to be abolished September 1, 2033 [~~2021~~], and every 12th year after that year.

SECTION 2.  Chapter 8502, Special District Local Laws Code, is amended by adding Sections 8502.0091, 8502.0092, 8502.0093, 8502.0094, and 8502.0095 to read as follows:

Sec. 8502.0091.  GROUNDS FOR REMOVAL OF DIRECTORS. (a) It is a ground for removal from the board that a director:

(1)  does not have at the time of taking office the qualifications required by Section 8502.009;

(2)  does not maintain during service on the board the qualifications required by Section 8502.009;

(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 presiding officer of the board of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, 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. 8502.0092.  DIRECTOR TRAINING. (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 board meeting 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 authority operations;

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

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

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

(5)  the requirements of:

(A)  laws relating to open meetings, public information, administrative procedure, and disclosure of 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 authority 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 authority shall create a training manual that includes the information required by Subsection (b). 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. 8502.0093.  POLICIES TO SEPARATE POLICY-MAKING AND STAFF FUNCTIONS. The board 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 authority.

Sec. 8502.0094.  COMPLAINTS. (a) The authority shall maintain a system to promptly and efficiently act on complaints filed with the authority. The authority 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 authority shall make information describing its procedures for complaint investigation and resolution available to the public.

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

Sec. 8502.0095.  PUBLIC TESTIMONY. The board 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 authority.

SECTION 3.  Notwithstanding Section 8502.0092, Special District Local Laws Code, as added by this Act, a person serving on the board of directors of the Brazos River Authority may vote, deliberate, and be counted as a director in attendance at a meeting of the board until December 1, 2021.

SECTION 4.  (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 5.  This Act takes effect September 1, 2021.

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