

By: Paddie

H.B. No. 1570

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the Brazos River Authority, following recommendations  
3 of the Sunset Advisory Commission; specifying grounds for the  
4 removal of a member of the board of directors.

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

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

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

14 SECTION 2. Chapter 8502, Special District Local Laws Code,  
15 is amended by adding Sections 8502.0091, 8502.0092, 8502.0093,  
16 8502.0094, and 8502.0095 to read as follows:

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

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

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

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

1           (4) cannot, because of illness or disability,  
2 discharge the director's duties for a substantial part of the  
3 director's term; or

4           (5) is absent from more than half of the regularly  
5 scheduled board meetings that the director is eligible to attend  
6 during a calendar year without an excuse approved by a majority vote  
7 of the board.

8           (b) The validity of an action of the board is not affected by  
9 the fact that it is taken when a ground for removal of a director  
10 exists.

11           (c) If the general manager has knowledge that a potential  
12 ground for removal exists, the general manager shall notify the  
13 presiding officer of the board of the potential ground. The  
14 presiding officer shall then notify the governor and the attorney  
15 general that a potential ground for removal exists. If the  
16 potential ground for removal involves the presiding officer, the  
17 general manager shall notify the next highest ranking director, who  
18 shall then notify the governor and the attorney general that a  
19 potential ground for removal exists.

20           Sec. 8502.0092. DIRECTOR TRAINING. (a) A person who is  
21 appointed to and qualifies for office as a director may not vote,  
22 deliberate, or be counted as a director in attendance at a board  
23 meeting until the person completes a training program that complies  
24 with this section.

25           (b) The training program must provide the person with  
26 information regarding:

27           (1) the law governing authority operations;

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

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

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

7           (5) the requirements of:

8                   (A) laws relating to open meetings, public  
9 information, administrative procedure, and disclosure of conflicts  
10 of interest; and

11                   (B) other laws applicable to members of the  
12 governing body of a river authority in performing their duties; and

13           (6) any applicable ethics policies adopted by the  
14 authority or the Texas Ethics Commission.

15           (c) A person appointed to the board is entitled to  
16 reimbursement for the travel expenses incurred in attending the  
17 training program regardless of whether the attendance at the  
18 program occurs before or after the person qualifies for office.

19           (d) The general manager of the authority shall create a  
20 training manual that includes the information required by  
21 Subsection (b). The general manager shall distribute a copy of the  
22 training manual annually to each director. Each director shall  
23 sign and submit to the general manager a statement acknowledging  
24 that the director received and has reviewed the training manual.

25           Sec. 8502.0093. POLICIES TO SEPARATE POLICY-MAKING AND  
26 STAFF FUNCTIONS. The board shall develop and implement policies  
27 that clearly separate the policy-making responsibilities of the

1 board and the management responsibilities of the general manager  
2 and the staff of the authority.

3 Sec. 8502.0094. COMPLAINTS. (a) The authority shall  
4 maintain a system to promptly and efficiently act on complaints  
5 filed with the authority. The authority shall maintain information  
6 about parties to the complaint, the subject matter of the  
7 complaint, a summary of the results of the review or investigation  
8 of the complaint, and its disposition.

9 (b) The authority shall make information describing its  
10 procedures for complaint investigation and resolution available to  
11 the public.

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

15 Sec. 8502.0095. PUBLIC TESTIMONY. The board shall develop  
16 and implement policies that provide the public with a reasonable  
17 opportunity to appear before the board and to speak on any issue  
18 under the jurisdiction of the authority.

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

24 SECTION 4. (a) The legal notice of the intention to  
25 introduce this Act, setting forth the general substance of this  
26 Act, has been published as provided by law, and the notice and a  
27 copy of this Act have been furnished to all persons, agencies,

1 officials, or entities to which they are required to be furnished  
2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
3 Government Code.

4 (b) The governor, one of the required recipients, has  
5 submitted the notice and Act to the Texas Commission on  
6 Environmental Quality.

7 (c) The Texas Commission on Environmental Quality has filed  
8 its recommendations relating to this Act with the governor, the  
9 lieutenant governor, and the speaker of the house of  
10 representatives within the required time.

11 (d) All requirements of the constitution and laws of this  
12 state and the rules and procedures of the legislature with respect  
13 to the notice, introduction, and passage of this Act are fulfilled  
14 and accomplished.

15 SECTION 5. This Act takes effect September 1, 2021.