

1-1 By: Paddie (Senate Sponsor - Hall) H.B. No. 1570
 1-2 (In the Senate - Received from the House April 21, 2021;
 1-3 May 13, 2021, read first time and referred to Committee on Natural
 1-4 Resources & Economic Development; May 19, 2021, reported favorably
 1-5 by the following vote: Yeas 7, Nays 0; May 19, 2021, sent to
 1-6 printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to the Brazos River Authority, following recommendations
 1-21 of the Sunset Advisory Commission; specifying grounds for the
 1-22 removal of a member of the board of directors.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 8502.0021(a), Special District Local
 1-25 Laws Code, is amended to read as follows:

1-26 (a) The authority is subject to review under Chapter 325,
 1-27 Government Code (Texas Sunset Act), but may not be abolished under
 1-28 that chapter. The review shall be conducted under Section 325.025,
 1-29 Government Code, as if the authority were a state agency scheduled
 1-30 to be abolished September 1, 2033 [~~2021~~], and every 12th year after
 1-31 that year.

1-32 SECTION 2. Chapter 8502, Special District Local Laws Code,
 1-33 is amended by adding Sections 8502.0091, 8502.0092, 8502.0093,
 1-34 8502.0094, and 8502.0095 to read as follows:

1-35 Sec. 8502.0091. GROUNDS FOR REMOVAL OF DIRECTORS. (a) It
 1-36 is a ground for removal from the board that a director:

1-37 (1) does not have at the time of taking office the
 1-38 qualifications required by Section 8502.009;

1-39 (2) does not maintain during service on the board the
 1-40 qualifications required by Section 8502.009;

1-41 (3) is ineligible for directorship under Chapter 171,
 1-42 Local Government Code;

1-43 (4) cannot, because of illness or disability,
 1-44 discharge the director's duties for a substantial part of the
 1-45 director's term; or

1-46 (5) is absent from more than half of the regularly
 1-47 scheduled board meetings that the director is eligible to attend
 1-48 during a calendar year without an excuse approved by a majority vote
 1-49 of the board.

1-50 (b) The validity of an action of the board is not affected by
 1-51 the fact that it is taken when a ground for removal of a director
 1-52 exists.

1-53 (c) If the general manager has knowledge that a potential
 1-54 ground for removal exists, the general manager shall notify the
 1-55 presiding officer of the board of the potential ground. The
 1-56 presiding officer shall then notify the governor and the attorney
 1-57 general that a potential ground for removal exists. If the
 1-58 potential ground for removal involves the presiding officer, the
 1-59 general manager shall notify the next highest ranking director, who
 1-60 shall then notify the governor and the attorney general that a
 1-61 potential ground for removal exists.

2-1 Sec. 8502.0092. DIRECTOR TRAINING. (a) A person who is
 2-2 appointed to and qualifies for office as a director may not vote,
 2-3 deliberate, or be counted as a director in attendance at a board
 2-4 meeting until the person completes a training program that complies
 2-5 with this section.

2-6 (b) The training program must provide the person with
 2-7 information regarding:

2-8 (1) the law governing authority operations;

2-9 (2) the programs, functions, rules, and budget of the
 2-10 authority;

2-11 (3) the scope of and limitations on the rulemaking
 2-12 authority of the authority;

2-13 (4) the results of the most recent formal audit of the
 2-14 authority;

2-15 (5) the requirements of:

2-16 (A) laws relating to open meetings, public
 2-17 information, administrative procedure, and disclosure of conflicts
 2-18 of interest; and

2-19 (B) other laws applicable to members of the
 2-20 governing body of a river authority in performing their duties; and

2-21 (6) any applicable ethics policies adopted by the
 2-22 authority or the Texas Ethics Commission.

2-23 (c) A person appointed to the board is entitled to
 2-24 reimbursement for the travel expenses incurred in attending the
 2-25 training program regardless of whether the attendance at the
 2-26 program occurs before or after the person qualifies for office.

2-27 (d) The general manager of the authority shall create a
 2-28 training manual that includes the information required by
 2-29 Subsection (b). The general manager shall distribute a copy of the
 2-30 training manual annually to each director. Each director shall
 2-31 sign and submit to the general manager a statement acknowledging
 2-32 that the director received and has reviewed the training manual.

2-33 Sec. 8502.0093. POLICIES TO SEPARATE POLICY-MAKING AND
 2-34 STAFF FUNCTIONS. The board shall develop and implement policies
 2-35 that clearly separate the policy-making responsibilities of the
 2-36 board and the management responsibilities of the general manager
 2-37 and the staff of the authority.

2-38 Sec. 8502.0094. COMPLAINTS. (a) The authority shall
 2-39 maintain a system to promptly and efficiently act on complaints
 2-40 filed with the authority. The authority shall maintain information
 2-41 about parties to the complaint, the subject matter of the
 2-42 complaint, a summary of the results of the review or investigation
 2-43 of the complaint, and its disposition.

2-44 (b) The authority shall make information describing its
 2-45 procedures for complaint investigation and resolution available to
 2-46 the public.

2-47 (c) The authority shall periodically notify the complaint
 2-48 parties of the status of the complaint until final disposition
 2-49 unless the notice would jeopardize an investigation.

2-50 Sec. 8502.0095. PUBLIC TESTIMONY. The board shall develop
 2-51 and implement policies that provide the public with a reasonable
 2-52 opportunity to appear before the board and to speak on any issue
 2-53 under the jurisdiction of the authority.

2-54 SECTION 3. Notwithstanding Section 8502.0092, Special
 2-55 District Local Laws Code, as added by this Act, a person serving on
 2-56 the board of directors of the Brazos River Authority may vote,
 2-57 deliberate, and be counted as a director in attendance at a meeting
 2-58 of the board until December 1, 2021.

2-59 SECTION 4. (a) The legal notice of the intention to
 2-60 introduce this Act, setting forth the general substance of this
 2-61 Act, has been published as provided by law, and the notice and a
 2-62 copy of this Act have been furnished to all persons, agencies,
 2-63 officials, or entities to which they are required to be furnished
 2-64 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 2-65 Government Code.

2-66 (b) The governor, one of the required recipients, has
 2-67 submitted the notice and Act to the Texas Commission on
 2-68 Environmental Quality.

2-69 (c) The Texas Commission on Environmental Quality has filed

3-1 its recommendations relating to this Act with the governor, the
3-2 lieutenant governor, and the speaker of the house of
3-3 representatives within the required time.

3-4 (d) All requirements of the constitution and laws of this
3-5 state and the rules and procedures of the legislature with respect
3-6 to the notice, introduction, and passage of this Act are fulfilled
3-7 and accomplished.

3-8 SECTION 5. This Act takes effect September 1, 2021.

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