

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Erin E. Chancellor, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 19, 2023

The Honorable Dan Patrick  
Lieutenant Governor of Texas  
Capitol Station  
PO Box 12068  
Austin, Texas 78711

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution.

Senate Bill (SB) 2586, as Filed by Senator Angela Paxton, et al.-relating to the San Jacinto River Authority, following recommendations of the Sunset Advisory Commission; specifying grounds for the removal of a member of the board of directors.

Dear Governor Patrick:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor, and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

Senate Bill 2586 provides changes to the San Jacinto River Authority (District) by amending Chapter 426, Acts of the 45th Legislature, Regular Session, 1937, amending Section 1-A(a), Section 6, and adding Sections 6A, 6B, 6C, 6D, 6E, and 6F. The bill addresses subsequent Sunset Advisory reviews, increasing the board of directors to seven members who serve four-year terms, the Governor's delegation of a director as the President of the board, grounds for reporting and director removal, director training, policy making, complaint requirements, public testimony, and stakeholder engagement. The bill provides that a board director may vote, deliberate, and be counted as an attending director at a board meeting until December 1, 2023.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kim Nygren".

Kim Nygren, Deputy Director  
Water Availability Division

cc: The Honorable Charles Perry, Chairman, Senate Committee on Water, Agriculture, and Rural Affairs  
Senator Angela Paxton, Texas Senate  
Senator Nathan Johnson, Texas Senate  
Senator Charles Perry, Texas Senate  
Senator , Charles Schwertner, Texas Senate  
Senator Drew Springer, Texas Senate

LETTER OF TRANSMITTAL  
TEXAS SENATE  
STATE OF TEXAS

SB 2586

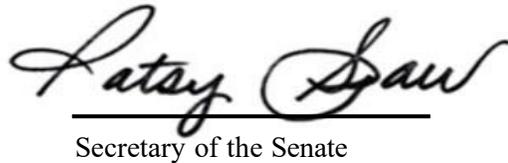
Bill Number

TO: The Honorable Governor of Texas  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

3/28/2023

Date transmitted to  
Governor's Office



Secretary of the Senate

TO: Texas Commission on Environmental Quality  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to conservation and reclamation district and a copy of the notice of intention to introduce the bill.

March 31, 2023

Date transmitted to  
Texas Commission on Environmental Quality



Governor

TO: The Honorable President of the Senate  
The Honorable Speaker of the House of Representatives  
The Honorable Governor of Texas  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.



Texas Commission on Environmental Quality

By: Paxton, et al.

S.B. No. 2586

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the San Jacinto River Authority, following  
3 recommendations of the Sunset Advisory Commission; specifying  
4 grounds for the 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 1A(a), Chapter 426, Acts of the 45th  
7 Legislature, Regular Session, 1937, is amended to read as follows:

8 (a) The District 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 District were a state agency scheduled to  
12 be abolished September 1, 2035 [~~2023~~], and every 12th year after  
13 that year.

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

16 Sec. 6. The management and control of all the affairs of  
17 said District shall be vested in, and the powers, rights,  
18 privileges, and functions of the District shall be exercised by a  
19 Board of Directors consisting of seven [~~six (6)~~] members, all of  
20 whom shall be freehold property taxpayers and legal voters of the  
21 State of Texas and four (4) of whom shall be residents of a county  
22 wholly encompassed by the District. Members of such Board of  
23 Directors shall be appointed by the Governor for terms of four [~~six~~  
24 ~~(6)~~] years. [~~Provided, the present Board of six (6) directors of~~

1 ~~said District, appointed by the State Board of Water Engineers~~  
2 ~~under authority of House Bill No. 1094, Chapter 613, Acts of the~~  
3 ~~Regular Session of the Forty-seventh Legislature, amending Section~~  
4 ~~6 of Chapter 426, Acts of the Regular Session of the Forty-fifth~~  
5 ~~Legislature, as amended by House Bill No. 828, Chapter 480, Acts of~~  
6 ~~the Regular Session of the Forty-seventh Legislature, for terms of~~  
7 ~~two (2), four (4), and six (6) years, shall continue to serve as~~  
8 ~~such until the expiration of the respective terms for which they~~  
9 ~~were appointed. Upon the expiration of the terms for which the~~  
10 ~~present members of the Board of Directors were appointed, the~~  
11 ~~successors of each and all of them shall be appointed by the~~  
12 ~~Governor for a term of six (6) years.]~~

13       The Directors shall hold office after their appointment and  
14 qualification until their successors shall be appointed and  
15 qualified. Should any vacancy occur in the Board of Directors, the  
16 same shall be filled in like manner by the Governor for the  
17 unexpired term. The Directors appointed shall, within thirty (30)  
18 days after their appointment, qualify by taking the official oath  
19 required of County Commissioners, and shall execute bond in the sum  
20 of Five Thousand Dollars (\$5,000) payable to the District, the  
21 sufficiency of which bond shall be determined by the Governor,  
22 which bonds after being recorded in the official bond records of the  
23 county in which the District maintains its office shall be  
24 deposited with the depository selected and approved for the deposit  
25 of the funds of the District.

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

1 The Board of Directors shall organize by electing one of its members  
2 [~~President, one~~] Vice-President, one Secretary, and one Treasurer.  
3 Four (4) members, including the President [~~presiding officer~~],  
4 shall constitute a quorum to transact business. The President  
5 shall preside at all meetings of the Board and shall be the chief  
6 executive officer of the District. The Vice-President shall act as  
7 President in case of the absence or disability of the President.  
8 The Secretary shall act as Secretary of the Board and shall be  
9 charged with the duty of keeping a record of all proceedings and all  
10 orders of the Board. The Treasurer shall receive and receipt for  
11 all moneys received by the District and shall keep books and records  
12 of all moneys received and expended. In case of the absence or  
13 inability of the Secretary to act, a Secretary pro tem shall be  
14 selected by the Directors.

15 The domicile of the District shall be in the City of Conroe,  
16 in the County of Montgomery, Texas, where the District shall  
17 maintain its principal office. The Board of Directors shall have  
18 authority to fix the time, place and number of meetings of such  
19 Board by proper resolutions, regulations and bylaws passed by said  
20 Board. Said Board shall cause to be kept complete and accurate  
21 accounts conforming to approved methods of bookkeeping. Said  
22 accounts and all contracts, documents, and records of the District  
23 shall be kept at said principal office, and same shall be open to  
24 public inspection at all reasonable times.

25 SECTION 3. Chapter 426, Acts of the 45th Legislature,  
26 Regular Session, 1937, is amended by adding Sections 6A, 6B, 6C, 6D,  
27 6E, and 6F to read as follows:

1       Sec. 6A. (a) It is a ground for removal from the Board of  
2 Directors that a Director:

3           (1) does not have at the time of taking office the  
4 qualifications required by Section 6 of this Act;

5           (2) does not maintain during service on the Board the  
6 qualifications required by Section 6 of this Act;

7           (3) is ineligible for directorship under Chapter 171,  
8 Local Government Code;

9           (4) cannot, because of illness or disability,  
10 discharge the Director's duties for a substantial part of the  
11 Director's term; or

12           (5) is absent from more than half of the regularly  
13 scheduled Board meetings that the Director is eligible to attend  
14 during a calendar year without an excuse approved by a majority vote  
15 of the Board.

16       (b) The validity of an action of the Board is not affected by  
17 the fact that it is taken when a ground for removal of a Director  
18 exists.

19       (c) If the general manager has knowledge that a potential  
20 ground for removal exists, the general manager shall notify the  
21 President of the Board of the potential ground. The President shall  
22 then notify the Governor and the Attorney General that a potential  
23 ground for removal exists. If the potential ground for removal  
24 involves the President, the general manager shall notify the next  
25 highest ranking Director, who shall then notify the Governor and  
26 the Attorney General that a potential ground for removal exists.

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

1 office as a Director may not vote, deliberate, or be counted as a  
2 Director in attendance at a meeting of the Board of Directors until  
3 the person completes a training program that complies with this  
4 section.

5 (b) The training program must provide the person with  
6 information regarding:

7 (1) the law governing District operations;

8 (2) the programs, functions, rules, and budget of the  
9 District;

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

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

14 (5) the requirements of:

15 (A) laws relating to open meetings, public  
16 information, administrative procedure, and disclosing conflicts of  
17 interest; and

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

20 (6) any applicable ethics policies adopted by the  
21 District or the Texas Ethics Commission.

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

26 (d) The general manager of the District shall create a  
27 training manual that includes the information required by

1 Subsection (b) of this section. The general manager shall  
2 distribute a copy of the training manual annually to each Director.  
3 Each Director shall sign and submit to the general manager a  
4 statement acknowledging that the Director received and has reviewed  
5 the training manual.

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

10 Sec. 6D. (a) The District shall maintain a system to  
11 promptly and efficiently act on complaints filed with the District.  
12 The District shall maintain information about parties to the  
13 complaint, the subject matter of the complaint, a summary of the  
14 results of the review or investigation of the complaint, and its  
15 disposition.

16 (b) The District shall make information available  
17 describing its procedures for complaint investigation and  
18 resolution.

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

22 Sec. 6E. The Board of Directors shall develop and implement  
23 policies that provide the public with a reasonable opportunity to  
24 appear before the Board and to speak on any issue under the  
25 jurisdiction of the District.

26 Sec. 6F. The Board of Directors shall develop and implement  
27 a comprehensive policy that provides a structure for public

1 engagement in advance of major actions and projects. The policy  
2 must include a clear and detailed description of how the District  
3 will seek to actively engage stakeholders, including the possible  
4 use of:

- 5 (1) advisory committees;
- 6 (2) community panels;
- 7 (3) town hall meetings;
- 8 (4) surveys; and
- 9 (5) other strategies on a recurring basis.

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

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

20 (b) Notwithstanding Section 6B, Chapter 426, Acts of the  
21 45th Legislature, Regular Session, 1937, as added by this Act, a  
22 person serving on the board of directors of the San Jacinto River  
23 Authority may vote, deliberate, and be counted as a director in  
24 attendance at a meeting of the board until December 1, 2023. A  
25 director may not vote, deliberate, or be counted as a member in  
26 attendance at a meeting of the board held on or after December 1,  
27 2023, until the member completes the training required by that

1 section.

2           SECTION 6. (a) The legal notice of the intention to  
3 introduce this Act, setting forth the general substance of this  
4 Act, has been published as provided by law, and the notice and a  
5 copy of this Act have been furnished to all persons, agencies,  
6 officials, or entities to which they are required to be furnished  
7 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
8 Government Code.

9           (b) The governor, one of the required recipients, has  
10 submitted the notice and Act to the Texas Commission on  
11 Environmental Quality.

12           (c) The Texas Commission on Environmental Quality has filed  
13 its recommendations relating to this Act with the governor, the  
14 lieutenant governor, and the speaker of the house of  
15 representatives within the required time.

16           (d) All requirements of the constitution and laws of this  
17 state and the rules and procedures of the legislature with respect  
18 to the notice, introduction, and passage of this Act are fulfilled  
19 and accomplished.

20           SECTION 7. This Act takes effect September 1, 2023.

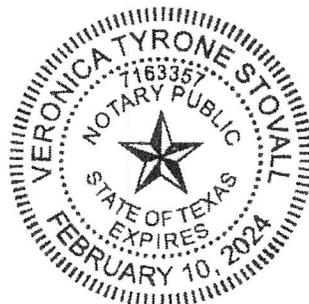
PUBLISHER'S AFFIDAVIT  
STATE OF TEXAS

COUNTY OF Harris

Before me, a Notary Public in and for Harris County, this day personally appeared Victoria Bond, who, being duly sworn, states that the attached advertisements paid for by the Sunset Advisory Commission were published in the Houston Chronicle on February 25, 2023.  
Aa # 34260116

Victoria Bond (signature of affiant)

Sworn to and subscribed before me this 27 day of Feb, 2023 Veronica Tyrone Stall  
(signature of notary)



This is to give notice of intent to introduce in the 88th Legislature, Regular Session, a bill relating to the San Jacinto River Authority, following the recommendations of the Sunset Advisory Commission; altering terms of the board of directors and specifying grounds for the removal of a member of the board of directors. The costs for the publication of this notice were paid by the Sunset Advisory Commission.

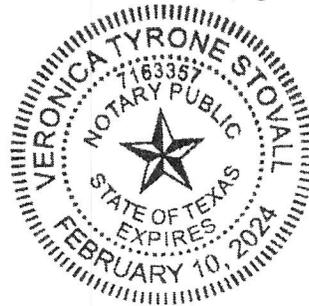
PUBLISHER'S AFFIDAVIT  
STATE OF TEXAS

COUNTY OF Harris

Before me, a Notary Public in and for Harris County, this day personally appeared  
Victoria Bond, who, being duly sworn, states that  
the attached advertisements paid for by the Sunset Advisory Commission were published in  
the Conroe Courier on February 25, 2023.  
Ad # 34260117

Victoria Bond (signature of affiant)

Sworn to and subscribed before me this 27 day of Feb., 2023 Veronica Tyrone Stovall  
(signature of notary)



This is to give notice of intent to introduce in the 88th Legislature, Regular Session, a bill relating to the San Jacinto River Authority, following the recommendations of the Sunset Advisory Commission; altering terms of the board of directors and specifying grounds for the removal of a member of the board of directors. The costs for the publication of this notice were paid by the Sunset Advisory Commission.