88R6320 MP-D

By:  Troxclair H.B. No. 5226

A BILL TO BE ENTITLED

AN ACT

relating to the addition of two new elected members to the board of directors of the Lower Colorado River Authority.

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

SECTION 1.  Section 8503.006, Special District Local Laws Code, is amended by amending Subsections (a), (b), (c), (d), (e), (f), and (k) and adding Subsection (c-1) to read as follows:

(a)  The powers, rights, privileges, and functions of the authority shall be exercised by the board. The board shall consist of 17 [~~15~~] directors and shall include at least one director from each of the counties named in Section 8503.003 except Travis County, which shall have two directors. Three directors shall be appointed at large from the counties served with electric power, other than the counties included in Section 8503.003. Two directors shall be elected at large from the entire district, including the counties that receive water or electricity from the district.

(b)  This subsection applies only to appointed directors. A director appointed at large may not serve for a period of more than six consecutive years. A county other than a county included in Section 8503.003 may not be represented on the board for more than six consecutive years. A county other than Travis County may not have two directors for a period greater than six consecutive years.

(c)  All directors [~~shall be~~] appointed by the governor with the advice and consent of the senate serve [~~for~~] staggered terms of six years, with five members' terms expiring on February 1 of each odd-numbered year.

(c-1)  An elected director serves a six-year term. The authority shall hold an election to elect two directors on the uniform election date in November of an even-numbered year, with the term of the elected directors to begin the following February 1.

(d)  Each appointed director must be a resident and freehold property taxpayer of the county from which the director is appointed and must have been a resident and taxpayer of that county for not less than the two years preceding the director's appointment. Not more than two appointed directors may be residents of the same county.

(e)  A person is not eligible for appointment or election as a director if the person has, during the three years preceding the person's appointment, been employed by an electric power and light company, a telephone company, or any other utility company.

(f)  At the expiration of the term of an appointed [~~a~~] director, a successor shall be appointed by the governor with the advice and consent of the senate. Each appointed director shall hold office until the expiration of the term for which the director was appointed and until a successor has been appointed and has qualified, unless removed sooner as provided by this section.

(k)  Nine [~~Eight~~] directors constitute a quorum at any meeting and, except as otherwise provided by this chapter or in the bylaws, all action may be taken by the affirmative vote of a majority of the directors present at any meeting, except that bonds, notes, or other evidence of indebtedness are subject to the requirements of Sections 8503.004(p) and 8503.013(f), and no amendment of the bylaws shall be valid unless authorized or ratified by the affirmative vote of at least eight directors, unless otherwise specifically provided by this chapter.

SECTION 2.  Section 8503.004(p), Special District Local Laws Code, is amended to read as follows:

(p)  The authority may borrow money for its corporate purposes on notes or other written evidence of indebtedness for a period not to exceed five years as may be authorized from time to time by an affirmative vote of 13 [~~12~~] members of the board and repay the loans or indebtedness from the proceeds of bonds of the authority at the next bond offering. The authority may borrow money and accept grants from the United States, this state, or any corporation or agency created or designated by the United States or this state and, in connection with the loan or grant, may enter into an agreement that the United States, this state, or the corporation or agency requires. The authority may make and issue negotiable bonds for money borrowed in the manner provided by Sections 8503.013 and 8503.014 or other general law. This chapter does not authorize the issuance of any bonds, notes, or other evidences of indebtedness of the authority except as specifically provided by this chapter or other general law.

SECTION 3.  Section 8503.013(f), Special District Local Laws Code, is amended to read as follows:

(f)  Bonds shall be authorized by resolution of the board concurred in by at least 13 [~~12~~] of the members.

SECTION 4.  The Lower Colorado River Authority shall hold the first election to elect directors as described by Section 8503.006, Special District Local Laws Code, as amended by this Act, on the uniform election date in November 2024.

SECTION 5.  (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 6.  This Act takes effect September 1, 2023.