

By: Paxton, et al.

S.B. No. 2592

A BILL TO BE ENTITLED

AN ACT

relating to the Lavaca-Navidad River Authority, following the recommendations of the Sunset Advisory Commission; altering terms of the board of directors; 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 1(a), Chapter 186, Acts of the 50th Legislature, Regular Session, 1947, as amended by Chapter 1224, Acts of the 78th Legislature, Regular Session, 2003, is reenacted to read as follows:

(a) There is hereby created and established within the State of Texas, in addition to the Districts into which the state has heretofore been divided, a Conservation and Reclamation District to be known as the Lavaca-Navidad River Authority, (hereinafter called the District), and consisting of that part of the State of Texas which is known as and included within the boundaries of Jackson County, Texas (the boundaries of the District being coextensive with the boundaries of Jackson County, Texas, and the District including all of the lands and other property, both real and personal, within the boundaries of said county). Such District shall be a governmental agency and body politic and corporate, with the powers of government and with the authority to exercise the rights, privileges, and functions hereinafter specified, the creation and establishment of such District being essential to the

1 accomplishment of the purposes of Section 59 of Article XVI,
 2 Constitution of Texas, including the control, storing,
 3 preservation, and distribution of the storm and flood waters, and
 4 the waters of the rivers and streams of Jackson County and their
 5 tributaries, inside and outside the boundaries of the District, for
 6 domestic, municipal, flood control, irrigation, agricultural,
 7 mining and recovery of minerals, hydroelectric power, navigation,
 8 recreation and pleasure, public parks, game preserves, and other
 9 useful purposes, the development of parks on lands owned or
 10 acquired by the District, the reclamation and drainage of the
 11 overflow land of Jackson County, the conservation and development
 12 of forests, financing of and aiding in the development of
 13 facilities located on lands owned by the District for the
 14 generation, transmission, and sale of electric power and energy
 15 inside or outside the boundaries of the District, and to aid in the
 16 protection and promotion of navigation on the navigable waters by
 17 regulating the flood and storm waters that flow into said navigable
 18 streams. In addition, the District may discover, develop, and
 19 produce groundwater within the boundaries of the Lavaca River Basin
 20 for use within that portion of a county located within the
 21 boundaries of the Lavaca River Basin where groundwater is
 22 discovered, developed, and produced and may coordinate and contract
 23 with groundwater conservation districts to engage in conjunctive
 24 groundwater and surface water management.

25 SECTION 2. Section 1, Chapter 186, Acts of the 50th
 26 Legislature, Regular Session, 1947, is amended by amending
 27 Subsections (b) and (c) and adding Subsection (c-1) to read as

1 follows:

2 (b) The management and control of the District shall be
 3 vested in a Board of Directors consisting of nine (9) members, who
 4 must reside within the District and shall be freehold property
 5 taxpayers and legal voters of the State of Texas. The members of
 6 the Board of Directors shall be appointed by the Governor of Texas
 7 with the advice and consent of the Senate. As soon as practicable
 8 after the passage of this Act (as hereby amended), the members of
 9 the Board of Directors shall be appointed (hereinafter referred to
 10 as "First Board"). In appointing the members of the First Board,
 11 the Governor shall appoint three (3) members to serve until May 1,
 12 1961, and until their successors are appointed and qualified, three
 13 (3) members to serve until May 1, 1963, and until their successors
 14 are appointed and qualified, and three (3) members to serve until
 15 May 1, 1965, and until their successors are appointed and
 16 qualified. Except for the First Board, the terms of office of the
 17 members of the Board of Directors shall be for four [~~six (6)~~] years
 18 ending on May 1st, and until their successors are appointed and
 19 qualified, with either two or three [~~three (3)~~] members to be
 20 appointed annually during the month of April [~~of each odd-numbered~~
 21 ~~year~~] by the Governor to succeed the members whose terms of office
 22 shall expire on the following May 1st. If a vacancy on the Board of
 23 Directors occurs because of the resignation or death of a member, or
 24 otherwise, the Governor shall fill the same for the unexpired term
 25 by the appointment of a successor member. Each Director shall
 26 qualify by taking the official oath of office and filing a good and
 27 sufficient bond with the Secretary of State in the amount of One

1 Thousand Dollars (\$1,000.), which shall be payable to the District,
2 conditioned upon the faithful performance of his (or her) official
3 duties as a Director.

4 (c) The Board of Directors shall meet at such times and
5 places as it shall designate, and shall hold regular and special
6 meetings as it shall see fit. Said Board shall organize by electing
7 one of its members as [~~President, one as~~] Vice President, one as
8 Secretary, and one as Treasurer (provided that the offices of
9 Secretary and Treasurer may be combined into one office of
10 Secretary-Treasurer upon a majority vote of the members of the
11 Board). The Governor shall designate a Director as the President of
12 the Board to serve in that capacity at the pleasure of the Governor.

13 Except for the First Board, such officers shall serve for a term of
14 one (1) year, and annually during the month of May said Board shall
15 elect such officers. Special meetings of the Board may be called by
16 the President or by any three members, and a majority of the members
17 shall constitute a quorum to transact any and all business. A
18 majority vote of the members present at any regular or special
19 meeting shall be sufficient for the adoption of any proceedings or
20 for the taking of any official action.

21 (c-1) The Board shall appoint a general manager of the
22 District.

23 SECTION 3. Section 1A(a), Chapter 186, Acts of the 50th
24 Legislature, Regular Session, 1947, is amended to read as follows:

25 (a) The District is subject to review under Chapter 325,
26 Government Code (Texas Sunset Act), but may not be abolished under
27 that chapter. The review shall be conducted under Section 325.025,

Government Code, as if the District were a state agency scheduled to be abolished September 1, 2035 [~~2023~~], and every 12th year after that year.

SECTION 4. Chapter 186, Acts of the 50th Legislature, Regular Session, 1947, is amended by adding Sections 1B, 1C, 1D, 1E, and 1F to read as follows:

Sec. 1B. (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 1 of this Act;

(2) does not maintain during service on the Board the qualifications required by Section 1 of this Act;

(3) violates 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 President of the Board of the potential ground. The President shall then notify the Governor and the Attorney General that a potential

1 ground for removal exists. If the potential ground for removal
2 involves the President, the general manager shall notify the next
3 highest ranking Director, who shall then notify the Governor and
4 the Attorney General that a potential ground for removal exists.

5 Sec. 1C. (a) A person who is appointed to and qualifies for
6 office as a Director may not vote, deliberate, or be counted as a
7 Director in attendance at a meeting of the Board until the person
8 completes a training program that complies with this section.

9 (b) The training program must provide the person with
10 information regarding:

11 (1) the law governing District operations;

12 (2) the programs, functions, rules, and budget of the
13 District;

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

16 (4) the results of the most recent formal audit of the
17 District;

18 (5) the requirements of:

19 (A) laws relating to open meetings, public
20 information, administrative procedure, and disclosing conflicts of
21 interest; and

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

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

26 (c) A person appointed to the Board is entitled to
27 reimbursement for the travel expenses incurred in attending the

1 training program regardless of whether the attendance at the
2 program occurs before or after the person qualifies for office.

3 (d) The general manager of the District shall create a
4 training manual that includes the information required by
5 Subsection (b) of this section. The general manager shall
6 distribute a copy of the training manual annually to each Director.
7 Each Director shall sign and submit to the general manager a
8 statement acknowledging that the Director received and has reviewed
9 the training manual.

10 Sec. 1D. The Board shall develop and implement policies
11 that clearly separate the policy-making responsibilities of the
12 Board and the management responsibilities of the general manager
13 and the staff of the District.

14 Sec. 1E. (a) The District shall maintain a system to
15 promptly and efficiently act on complaints filed with the District.
16 The District shall maintain information about parties to the
17 complaint, the subject matter of the complaint, a summary of the
18 results of the review or investigation of the complaint, and its
19 disposition.

20 (b) The District shall make information available
21 describing its procedures for complaint investigation and
22 resolution.

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

26 Sec. 1F. The Board shall develop and implement policies
27 that provide the public with a reasonable opportunity to appear

1 before the Board and to speak on any issue under the jurisdiction of
2 the District.

3 SECTION 5. The following provisions are repealed:

4 (1) Section 1(a), Chapter 22, Acts of the 56th
5 Legislature, 3rd Called Session, 1959; and

6 (2) Chapter 417, Acts of the 61st Legislature, Regular
7 Session, 1969.

8 SECTION 6. (a) The legislature validates and confirms all
9 governmental acts and proceedings of the Lavaca-Navidad River
10 Authority that were taken before the effective date of this Act.

11 (b) This section does not apply to any matter that on the
12 effective date of this Act:

13 (1) is involved in litigation if the litigation
14 ultimately results in the matter being held invalid by a final court
15 judgment; or

16 (2) has been held invalid by a final court judgment.

17 SECTION 7. At the first meeting of the board of the
18 Lavaca-Navidad River Authority that follows the effective date of
19 this Act, the six directors of the Lavaca-Navidad River Authority
20 whose terms do not expire on May 1, 2027, shall draw lots to
21 determine which two directors will serve terms that expire on May 1,
22 2024, which two directors will serve terms that expire on May 1,
23 2025, and which two directors will serve terms that expire on May 1,
24 2026. The three directors with terms expiring on May 1, 2027, will
25 serve terms that expire on that date.

26 SECTION 8. Notwithstanding Section 1C, Chapter 186, Acts of
27 the 50th Legislature, Regular Session, 1947, as added by this Act, a

1 person serving on the board of directors of the Lavaca-Navidad
2 River Authority may vote, deliberate, and be counted as a director
3 in attendance at a meeting of the board until December 1, 2023.

4 SECTION 9. (a) The legal notice of the intention to
5 introduce this Act, setting forth the general substance of this
6 Act, has been published as provided by law, and the notice and a
7 copy of this Act have been furnished to all persons, agencies,
8 officials, or entities to which they are required to be furnished
9 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
10 Government Code.

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

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

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

22 SECTION 10. This Act takes effect September 1, 2023.