

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 Subsections (b-1) and (c-1) to

1 read as 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 four or five [~~three (3)~~] members to be
20 appointed during the month of April of each odd-numbered year by the
21 Governor to succeed the members whose terms of office shall expire
22 on the following May 1st. If a vacancy on the Board of Directors
23 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 (b-1) A person may not be a member of the Board if the person
5 or the person's spouse:

6 (1) is employed by or participates in the management
7 of a business entity or other organization providing goods or
8 services to the District;

9 (2) owns or controls, directly or indirectly, more
10 than a 10 percent interest in a business entity or other
11 organization providing goods or services to the District; or

12 (3) uses or receives a substantial amount of tangible
13 goods, services, or money from the District other than compensation
14 or reimbursement authorized by law for Board membership,
15 attendance, or expenses.

16 (c) The Board of Directors shall meet at such times and
17 places as it shall designate, and shall hold regular and special
18 meetings as it shall see fit. Said Board shall organize by electing
19 one of its members as [~~President, one as~~] Vice President, one as
20 Secretary, and one as Treasurer (provided that the offices of
21 Secretary and Treasurer may be combined into one office of
22 Secretary-Treasurer upon a majority vote of the members of the
23 Board). The Governor shall designate a Director as the President of
24 the Board to serve in that capacity at the pleasure of the Governor.

25 Except for the First Board, such officers shall serve for a term of
26 one (1) year, and annually during the month of May said Board shall
27 elect such officers. Special meetings of the Board may be called by

1 the President or by any three members, and a majority of the members
2 shall constitute a quorum to transact any and all business. A
3 majority vote of the members present at any regular or special
4 meeting shall be sufficient for the adoption of any proceedings or
5 for the taking of any official action.

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

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

10 (a) The District is subject to review under Chapter 325,
11 Government Code (Texas Sunset Act), but may not be abolished under
12 that chapter. The review shall be conducted under Section 325.025,
13 Government Code, as if the District were a state agency scheduled to
14 be abolished September 1, 2035 [~~2023~~], and every 12th year after
15 that year.

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

19 Sec. 1B. (a) It is a ground for removal from the Board that
20 a Director:

21 (1) does not have at the time of taking office the
22 qualifications required by Section 1 of this Act;

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

25 (3) violates Chapter 171, Local Government Code;

26 (4) cannot, because of illness or disability,
27 discharge the Director's duties for a substantial part of the

1 Director's term; or

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

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

9 (c) If the general manager has knowledge that a potential
10 ground for removal exists, the general manager shall notify the
11 President of the Board of the potential ground. The President shall
12 then notify the Governor and the Attorney General that a potential
13 ground for removal exists. If the potential ground for removal
14 involves the President, the general manager shall notify the next
15 highest ranking Director, who shall then notify the Governor and
16 the Attorney General that a potential ground for removal exists.

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

21 (b) The training program must provide the person with
22 information regarding:

23 (1) the law governing District operations;

24 (2) the programs, functions, rules, and budget of the
25 District;

26 (3) the scope of and limitations on the rulemaking
27 authority of the District;

1 (4) the results of the most recent formal audit of the
2 District;

3 (5) the requirements of:

4 (A) laws relating to open meetings, public
5 information, administrative procedure, and disclosing conflicts of
6 interest; and

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

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

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

15 (d) The general manager of the District shall create a
16 training manual that includes the information required by
17 Subsection (b) of this section. The general manager shall
18 distribute a copy of the training manual annually to each Director.
19 Each Director shall sign and submit to the general manager a
20 statement acknowledging that the Director received and has reviewed
21 the training manual.

22 Sec. 1D. The Board shall develop and implement policies
23 that clearly separate the policy-making responsibilities of the
24 Board and the management responsibilities of the general manager
25 and the staff of the District.

26 Sec. 1E. (a) The District shall maintain a system to
27 promptly and efficiently act on complaints filed with the District.

1 The District shall maintain information about parties to the
2 complaint, the subject matter of the complaint, a summary of the
3 results of the review or investigation of the complaint, and its
4 disposition.

5 (b) The District shall make information available
6 describing its procedures for complaint investigation and
7 resolution.

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

11 Sec. 1F. The Board shall develop and implement policies
12 that provide the public with a reasonable opportunity to appear
13 before the Board and to speak on any issue under the jurisdiction of
14 the District.

15 SECTION 5. The following provisions are repealed:

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

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

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

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

25 (1) is involved in litigation if the litigation
26 ultimately results in the matter being held invalid by a final court
27 judgment; or

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

SECTION 7. At the first meeting of the board of the Lavaca-Navidad River Authority that follows the effective date of this Act, the six directors of the Lavaca-Navidad River Authority whose terms do not expire on May 1, 2025, shall draw lots to determine which director will serve a term that expires on May 1, 2025, and which five directors will serve terms that expire on May 1, 2027. The three directors with terms expiring on May 1, 2025, will serve terms that expire on that date.

SECTION 8. Notwithstanding Section 1C, Chapter 186, Acts of the 50th Legislature, Regular Session, 1947, as added by this Act, a person serving on the board of directors of the Lavaca-Navidad River Authority may vote, deliberate, and be counted as a director in attendance at a meeting of the board until December 1, 2023.

SECTION 9. (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

1 representatives within the required time.

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

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