

By: Kitzman

H.B. No. 1535

Substitute the following for H.B. No. 1535:

By: Martinez

C.S.H.B. No. 1535

A BILL TO BE ENTITLED

AN ACT

relating to the Trinity River Authority of Texas, following recommendations of the Sunset Advisory Commission; 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 1A(a), Chapter 518, Acts of the 54th Legislature, Regular Session, 1955, is amended to read as follows:

(a) The Authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the Authority were a state agency scheduled to be abolished September 1, 2037 [~~2025~~], and every 12th year after that year.

SECTION 2. Section 3(b), Chapter 518, Acts of the 54th Legislature, Regular Session, 1955, is amended to read as follows:

(b) The Board shall consist of twenty-five (25) [~~twenty-four (24)~~] directors to be appointed by the Governor with the advice and consent of the Senate, and, when the Legislature is in session, no such appointment shall become effective until it shall have been approved by the Senate. For the purposes of the appointment of directors the Authority is divided into eighteen (18) areas, numbered 1 to 18, both inclusive, respectively containing the county as follows:

Area 1. Tarrant

Area 2. Dallas
Area 3. Kaufman
Area 4. Henderson
Area 5. Ellis
Area 6. Navarro
Area 7. Anderson
Area 8. Freestone
Area 9. Leon
Area 10. Houston
Area 11. Trinity
Area 12. Madison
Area 13. Walker
Area 14. San Jacinto
Area 15. Polk
Area 16. Liberty
Area 17. Chambers

Area 18. All of the territory contained within the above
named seventeen (17) areas and seventeen (17) counties which shall
be known as "The Area-at-Large." Three (3) directors shall be
appointed from Tarrant County; four (4) directors shall be
appointed from Dallas County; and three (3) [~~two (2)~~] directors
shall be appointed from "The Area-at-Large." One (1) director
shall be appointed from each of the other named Areas. The term of
each director shall be for four [~~six (6)~~] years and until the
director's [~~his~~] successor has [~~shall have~~] been appointed and
qualifies [~~until he shall have qualified, except that of the~~
~~directors first appointed, eight (8) shall serve for two (2) years,~~

1 ~~eight (8) for four (4) years, and eight (8) for six (6) years]~~. The
 2 terms of 12 or 13 of the directors shall expire on the 15th day of
 3 March of odd-numbered years ~~[the year in which their respective~~
 4 ~~terms would terminate under the provisions of this Act]~~. ~~[In making~~
 5 ~~the original appointments the Governor will designate the initial~~
 6 ~~term of each such directors.]~~ The Board has power to appoint an
 7 executive committee which will perform the functions of the Board
 8 between meetings, except as its powers may be restricted in the
 9 action setting up the committee.

10 SECTION 3. Section 4, Chapter 518, Acts of the 54th
 11 Legislature, Regular Session, 1955, is amended to read as follows:

12 Sec. 4. The Governor shall designate a member of the Board
 13 as the president of the Authority to serve in that capacity at the
 14 pleasure of the Governor. The Board shall elect from its number a
 15 ~~[president and a]~~ vice-president of the Authority and such other
 16 officers as in the judgment of the Board are necessary. The
 17 president shall preside at meetings of the Board and shall be the
 18 chief officer of the Authority and shall have the same right to vote
 19 as any other director. The vice-president shall perform all duties
 20 and exercise all powers conferred by this Act upon the president
 21 when the president is absent or fails or is unable or declines to
 22 act. The Board shall appoint a secretary and a treasurer who shall
 23 not be members of the Board. Within the discretion of the Board the
 24 officers of secretary and treasurer may be held by one (1) person
 25 whose title shall be Secretary-Treasurer. The Treasurer shall give
 26 bond in such amount as shall be prescribed by the Board. The Board
 27 shall ~~[may]~~ appoint a general manager and may appoint~~[]~~ all

1 necessary engineers, attorneys and other employees.

2 SECTION 4. Chapter 518, Acts of the 54th Legislature,
3 Regular Session, 1955, is amended by adding Sections 4A, 4B, 4C, 4D,
4 and 4E to read as follows:

5 Sec. 4A. (a) It is a ground for removal from the Board that
6 a director:

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

9 (2) does not maintain during service on the Board the
10 qualifications required by Section 3(c) of this Act;

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

12 (4) cannot, because of illness or disability,
13 discharge the director's duties for a substantial part of the
14 director's term; or

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

19 (b) The validity of an action of the Board is not affected by
20 the fact that it is taken when a ground for removal of a director
21 exists.

22 (c) If the general manager of the Authority has knowledge
23 that a potential ground for removal exists, the general manager
24 shall notify the president of the Authority of the potential
25 ground. The president shall then notify the Governor and the
26 Attorney General that a potential ground for removal exists. If the
27 potential ground for removal involves the president, the general

1 manager shall notify the next highest ranking director, who shall
2 then notify the Governor and the Attorney General that a potential
3 ground for removal exists.

4 Sec. 4B. (a) A person who is appointed to and qualifies for
5 office as a director may not vote, deliberate, or be counted as a
6 director in attendance at a meeting of the Board until the person
7 completes a training program that complies with this section.

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

10 (1) the law governing Authority operations;

11 (2) the programs, functions, rules, and budget of the
12 Authority;

13 (3) the scope of and limitations on the rulemaking
14 authority of the Board;

15 (4) the results of the most recent formal audit of the
16 Authority;

17 (5) the requirements of:

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

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

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

25 (c) A person appointed to the Board is entitled to
26 reimbursement for the travel expenses incurred in attending the
27 training program regardless of whether the attendance at the

1 program occurs before or after the person qualifies for office.

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

9 Sec. 4C. (a) The Authority shall maintain a system to
10 promptly and efficiently act on complaints filed with the
11 Authority. The Authority shall maintain information about parties
12 to the complaint, the subject matter of the complaint, a summary of
13 the results of the review or investigation of the complaint, and its
14 disposition.

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

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

21 Sec. 4D. The Board shall develop and implement policies
22 that provide the public with a reasonable opportunity to appear
23 before the Board and to speak on any issue under the jurisdiction of
24 the Authority.

25 Sec. 4E. The Board shall develop and implement policies
26 that clearly separate the policy-making responsibilities of the
27 Board and the management responsibilities of the general manager

1 and the employees of the Authority.

2 SECTION 5. (a) Notwithstanding the changes in law made by
3 this Act in Section 3(b), Chapter 518, Acts of the 54th Legislature,
4 Regular Session, 1955, and except as provided by Subsection (b) of
5 this section, a director of the Trinity River Authority of Texas
6 serving on the effective date of this Act shall continue in office
7 until the member's successor is appointed and qualifies for office.

8 (b) At the first meeting of the board of directors of the
9 Trinity River Authority of Texas that follows the effective date of
10 this Act, the nine directors of the Trinity River Authority of Texas
11 whose terms would expire on March 15, 2031, shall draw lots to
12 determine which five directors will serve terms that expire on
13 March 15, 2029, and which four directors will serve terms that
14 expire on March 15, 2027.

15 SECTION 6. (a) Except as provided by Subsection (b) of this
16 section, Section 4B, Chapter 518, Acts of the 54th Legislature,
17 Regular Session, 1955, as added by this Act, applies to a member of
18 the board of directors of the Trinity River Authority of Texas
19 appointed before, on, or after the effective date of this Act.

20 (b) Notwithstanding Section 4B, Chapter 518, Acts of the
21 54th Legislature, Regular Session, 1955, as added by this Act, a
22 member of the board of directors of the Trinity River Authority of
23 Texas may vote, deliberate, and be counted as a director in
24 attendance at a meeting of the board until December 1, 2025. A
25 member of the board may not vote, deliberate, or be counted as a
26 member in attendance at a meeting of the board held on or after
27 December 1, 2025, until the member completes the training required

1 by that section.

2 SECTION 7. (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 8. This Act takes effect September 1, 2025.