

1-1 By: Paxton, et al. S.B. No. 2586  
 1-2 (In the Senate - Filed March 28, 2023; April 5, 2023, read  
 1-3 first time and referred to Committee on Water, Agriculture & Rural  
 1-4 Affairs; April 17, 2023, reported favorably by the following vote:  
 1-5 Yeas 9, Nays 0; April 17, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the San Jacinto River Authority, following  
 1-20 recommendations of the Sunset Advisory Commission; specifying  
 1-21 grounds for the removal of a member of the board of directors.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 1A(a), Chapter 426, Acts of the 45th  
 1-24 Legislature, Regular Session, 1937, is amended to read as follows:

1-25 (a) The District is subject to review under Chapter 325,  
 1-26 Government Code (Texas Sunset Act), but may not be abolished under  
 1-27 that chapter. The review shall be conducted under Section 325.025,  
 1-28 Government Code, as if the District were a state agency scheduled to  
 1-29 be abolished September 1, 2035 [~~2023~~], and every 12th year after  
 1-30 that year.

1-31 SECTION 2. Section 6, Chapter 426, Acts of the 45th  
 1-32 Legislature, Regular Session, 1937, is amended to read as follows:

1-33 Sec. 6. The management and control of all the affairs of  
 1-34 said District shall be vested in, and the powers, rights,  
 1-35 privileges, and functions of the District shall be exercised by a  
 1-36 Board of Directors consisting of seven [~~six (6)~~] members, all of  
 1-37 whom shall be freehold property taxpayers and legal voters of the  
 1-38 State of Texas and four (4) of whom shall be residents of a county  
 1-39 wholly encompassed by the District. Members of such Board of  
 1-40 Directors shall be appointed by the Governor for terms of four [~~six~~  
 1-41 ~~(6)~~] years. [~~Provided, the present Board of six (6) directors of~~  
 1-42 ~~said District, appointed by the State Board of Water Engineers~~  
 1-43 ~~under authority of House Bill No. 1094, Chapter 613, Acts of the~~  
 1-44 ~~Regular Session of the Forty-seventh Legislature, amending Section~~  
 1-45 ~~6 of Chapter 426, Acts of the Regular Session of the Forty-fifth~~  
 1-46 ~~Legislature, as amended by House Bill No. 828, Chapter 480, Acts of~~  
 1-47 ~~the Regular Session of the Forty-seventh Legislature, for terms of~~  
 1-48 ~~two (2), four (4), and six (6) years, shall continue to serve as~~  
 1-49 ~~such until the expiration of the respective terms for which they~~  
 1-50 ~~were appointed. Upon the expiration of the terms for which the~~  
 1-51 ~~present members of the Board of Directors were appointed, the~~  
 1-52 ~~successors of each and all of them shall be appointed by the~~  
 1-53 ~~Governor for a term of six (6) years.]~~

1-54 The Directors shall hold office after their appointment and  
 1-55 qualification until their successors shall be appointed and  
 1-56 qualified. Should any vacancy occur in the Board of Directors, the  
 1-57 same shall be filled in like manner by the Governor for the  
 1-58 unexpired term. The Directors appointed shall, within thirty (30)  
 1-59 days after their appointment, qualify by taking the official oath  
 1-60 required of County Commissioners, and shall execute bond in the sum  
 1-61 of Five Thousand Dollars (\$5,000) payable to the District, the

2-1 sufficiency of which bond shall be determined by the Governor,  
 2-2 which bonds after being recorded in the official bond records of the  
 2-3 county in which the District maintains its office shall be  
 2-4 deposited with the depository selected and approved for the deposit  
 2-5 of the funds of the District.

2-6 The Governor shall designate a Director as the President of  
 2-7 the Board to serve in that capacity at the pleasure of the Governor.  
 2-8 The Board of Directors shall organize by electing one of its members  
 2-9 [~~President, one~~] Vice-President, one Secretary, and one Treasurer.  
 2-10 Four (4) members, including the President [~~presiding officer~~],  
 2-11 shall constitute a quorum to transact business. The President  
 2-12 shall preside at all meetings of the Board and shall be the chief  
 2-13 executive officer of the District. The Vice-President shall act as  
 2-14 President in case of the absence or disability of the President.  
 2-15 The Secretary shall act as Secretary of the Board and shall be  
 2-16 charged with the duty of keeping a record of all proceedings and all  
 2-17 orders of the Board. The Treasurer shall receive and receipt for  
 2-18 all moneys received by the District and shall keep books and records  
 2-19 of all moneys received and expended. In case of the absence or  
 2-20 inability of the Secretary to act, a Secretary pro tem shall be  
 2-21 selected by the Directors.

2-22 The domicile of the District shall be in the City of Conroe,  
 2-23 in the County of Montgomery, Texas, where the District shall  
 2-24 maintain its principal office. The Board of Directors shall have  
 2-25 authority to fix the time, place and number of meetings of such  
 2-26 Board by proper resolutions, regulations and bylaws passed by said  
 2-27 Board. Said Board shall cause to be kept complete and accurate  
 2-28 accounts conforming to approved methods of bookkeeping. Said  
 2-29 accounts and all contracts, documents, and records of the District  
 2-30 shall be kept at said principal office, and same shall be open to  
 2-31 public inspection at all reasonable times.

2-32 SECTION 3. Chapter 426, Acts of the 45th Legislature,  
 2-33 Regular Session, 1937, is amended by adding Sections 6A, 6B, 6C, 6D,  
 2-34 6E, and 6F to read as follows:

2-35 Sec. 6A. (a) It is a ground for removal from the Board of  
 2-36 Directors that a Director:

2-37 (1) does not have at the time of taking office the  
 2-38 qualifications required by Section 6 of this Act;

2-39 (2) does not maintain during service on the Board the  
 2-40 qualifications required by Section 6 of this Act;

2-41 (3) is ineligible for directorship under Chapter 171,  
 2-42 Local Government Code;

2-43 (4) cannot, because of illness or disability,  
 2-44 discharge the Director's duties for a substantial part of the  
 2-45 Director's term; or

2-46 (5) is absent from more than half of the regularly  
 2-47 scheduled Board meetings that the Director is eligible to attend  
 2-48 during a calendar year without an excuse approved by a majority vote  
 2-49 of the Board.

2-50 (b) The validity of an action of the Board is not affected by  
 2-51 the fact that it is taken when a ground for removal of a Director  
 2-52 exists.

2-53 (c) If the general manager has knowledge that a potential  
 2-54 ground for removal exists, the general manager shall notify the  
 2-55 President of the Board of the potential ground. The President shall  
 2-56 then notify the Governor and the Attorney General that a potential  
 2-57 ground for removal exists. If the potential ground for removal  
 2-58 involves the President, the general manager shall notify the next  
 2-59 highest ranking Director, who shall then notify the Governor and  
 2-60 the Attorney General that a potential ground for removal exists.

2-61 Sec. 6B. (a) A person who is appointed to and qualifies for  
 2-62 office as a Director may not vote, deliberate, or be counted as a  
 2-63 Director in attendance at a meeting of the Board of Directors until  
 2-64 the person completes a training program that complies with this  
 2-65 section.

2-66 (b) The training program must provide the person with  
 2-67 information regarding:

2-68 (1) the law governing District operations;

2-69 (2) the programs, functions, rules, and budget of the

3-1 District;  
 3-2 (3) the scope of and limitations on the rulemaking  
 3-3 authority of the District;  
 3-4 (4) the results of the most recent formal audit of the  
 3-5 District;  
 3-6 (5) the requirements of:  
 3-7 (A) laws relating to open meetings, public  
 3-8 information, administrative procedure, and disclosing conflicts of  
 3-9 interest; and  
 3-10 (B) other laws applicable to members of the  
 3-11 governing body of a river authority in performing their duties; and  
 3-12 (6) any applicable ethics policies adopted by the  
 3-13 District or the Texas Ethics Commission.

3-14 (c) A person appointed to the Board is entitled to  
 3-15 reimbursement for the travel expenses incurred in attending the  
 3-16 training program regardless of whether the attendance at the  
 3-17 program occurs before or after the person qualifies for office.

3-18 (d) The general manager of the District shall create a  
 3-19 training manual that includes the information required by  
 3-20 Subsection (b) of this section. The general manager shall  
 3-21 distribute a copy of the training manual annually to each Director.  
 3-22 Each Director shall sign and submit to the general manager a  
 3-23 statement acknowledging that the Director received and has reviewed  
 3-24 the training manual.

3-25 Sec. 6C. The Board of Directors shall develop and implement  
 3-26 policies that clearly separate the policy-making responsibilities  
 3-27 of the Board and the management responsibilities of the general  
 3-28 manager and the staff of the District.

3-29 Sec. 6D. (a) The District shall maintain a system to  
 3-30 promptly and efficiently act on complaints filed with the District.  
 3-31 The District shall maintain information about parties to the  
 3-32 complaint, the subject matter of the complaint, a summary of the  
 3-33 results of the review or investigation of the complaint, and its  
 3-34 disposition.

3-35 (b) The District shall make information available  
 3-36 describing its procedures for complaint investigation and  
 3-37 resolution.

3-38 (c) The District shall periodically notify the complaint  
 3-39 parties of the status of the complaint until final disposition,  
 3-40 unless the notice would jeopardize an investigation.

3-41 Sec. 6E. The Board of Directors shall develop and implement  
 3-42 policies that provide the public with a reasonable opportunity to  
 3-43 appear before the Board and to speak on any issue under the  
 3-44 jurisdiction of the District.

3-45 Sec. 6F. The Board of Directors shall develop and implement  
 3-46 a comprehensive policy that provides a structure for public  
 3-47 engagement in advance of major actions and projects. The policy  
 3-48 must include a clear and detailed description of how the District  
 3-49 will seek to actively engage stakeholders, including the possible  
 3-50 use of:

- 3-51 (1) advisory committees;
- 3-52 (2) community panels;
- 3-53 (3) town hall meetings;
- 3-54 (4) surveys; and
- 3-55 (5) other strategies on a recurring basis.

3-56 SECTION 4. The member of the board of directors of the San  
 3-57 Jacinto River Authority whose term expires in November 2027 shall  
 3-58 continue in office until the member's successor is appointed to and  
 3-59 qualifies for a term of four years beginning in October 2027.

3-60 SECTION 5. (a) Except as provided by Subsection (b) of  
 3-61 this section, Section 6B, Chapter 426, Acts of the 45th  
 3-62 Legislature, Regular Session, 1937, as added by this Act, applies  
 3-63 to a member of the board of directors of the San Jacinto River  
 3-64 Authority appointed before, on, or after the effective date of this  
 3-65 Act.

3-66 (b) Notwithstanding Section 6B, Chapter 426, Acts of the  
 3-67 45th Legislature, Regular Session, 1937, as added by this Act, a  
 3-68 person serving on the board of directors of the San Jacinto River  
 3-69 Authority may vote, deliberate, and be counted as a director in

4-1 attendance at a meeting of the board until December 1, 2023. A  
4-2 director may not vote, deliberate, or be counted as a member in  
4-3 attendance at a meeting of the board held on or after December 1,  
4-4 2023, until the member completes the training required by that  
4-5 section.

4-6 SECTION 6. (a) The legal notice of the intention to  
4-7 introduce this Act, setting forth the general substance of this  
4-8 Act, has been published as provided by law, and the notice and a  
4-9 copy of this Act have been furnished to all persons, agencies,  
4-10 officials, or entities to which they are required to be furnished  
4-11 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
4-12 Government Code.

4-13 (b) The governor, one of the required recipients, has  
4-14 submitted the notice and Act to the Texas Commission on  
4-15 Environmental Quality.

4-16 (c) The Texas Commission on Environmental Quality has filed  
4-17 its recommendations relating to this Act with the governor, the  
4-18 lieutenant governor, and the speaker of the house of  
4-19 representatives within the required time.

4-20 (d) All requirements of the constitution and laws of this  
4-21 state and the rules and procedures of the legislature with respect  
4-22 to the notice, introduction, and passage of this Act are fulfilled  
4-23 and accomplished.

4-24 SECTION 7. This Act takes effect September 1, 2023.

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