

1-1 By: Paxton, et al. S.B. No. 2592
1-2 (In the Senate - Filed April 3, 2023; April 5, 2023, read
1-3 first time and referred to Committee on Water, Agriculture & Rural
1-4 Affairs; April 18, 2023, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 April 18, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
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	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 2592 By: Hancock

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the Lavaca-Navidad River Authority, following the
1-22 recommendations of the Sunset Advisory Commission; altering terms
1-23 of the board of directors; specifying grounds for the removal of a
1-24 member of the board of directors.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 1(a), Chapter 186, Acts of the 50th
1-27 Legislature, Regular Session, 1947, as amended by Chapter 1224,
1-28 Acts of the 78th Legislature, Regular Session, 2003, is reenacted
1-29 to read as follows:

1-30 (a) There is hereby created and established within the State
1-31 of Texas, in addition to the Districts into which the state has
1-32 heretofore been divided, a Conservation and Reclamation District to
1-33 be known as the Lavaca-Navidad River Authority, (hereinafter called
1-34 the District), and consisting of that part of the State of Texas
1-35 which is known as and included within the boundaries of Jackson
1-36 County, Texas (the boundaries of the District being coextensive
1-37 with the boundaries of Jackson County, Texas, and the District
1-38 including all of the lands and other property, both real and
1-39 personal, within the boundaries of said county). Such District
1-40 shall be a governmental agency and body politic and corporate, with
1-41 the powers of government and with the authority to exercise the
1-42 rights, privileges, and functions hereinafter specified, the
1-43 creation and establishment of such District being essential to the
1-44 accomplishment of the purposes of Section 59 of Article XVI,
1-45 Constitution of Texas, including the control, storing,
1-46 preservation, and distribution of the storm and flood waters, and
1-47 the waters of the rivers and streams of Jackson County and their
1-48 tributaries, inside and outside the boundaries of the District, for
1-49 domestic, municipal, flood control, irrigation, agricultural,
1-50 mining and recovery of minerals, hydroelectric power, navigation,
1-51 recreation and pleasure, public parks, game preserves, and other
1-52 useful purposes, the development of parks on lands owned or
1-53 acquired by the District, the reclamation and drainage of the
1-54 overflow land of Jackson County, the conservation and development
1-55 of forests, financing of and aiding in the development of
1-56 facilities located on lands owned by the District for the
1-57 generation, transmission, and sale of electric power and energy
1-58 inside or outside the boundaries of the District, and to aid in the
1-59 protection and promotion of navigation on the navigable waters by
1-60 regulating the flood and storm waters that flow into said navigable

2-1 streams. In addition, the District may discover, develop, and
 2-2 produce groundwater within the boundaries of the Lavaca River Basin
 2-3 for use within that portion of a county located within the
 2-4 boundaries of the Lavaca River Basin where groundwater is
 2-5 discovered, developed, and produced and may coordinate and contract
 2-6 with groundwater conservation districts to engage in conjunctive
 2-7 groundwater and surface water management.

2-8 SECTION 2. Section 1, Chapter 186, Acts of the 50th
 2-9 Legislature, Regular Session, 1947, is amended by amending
 2-10 Subsections (b) and (c) and adding Subsection (c-1) to read as
 2-11 follows:

2-12 (b) The management and control of the District shall be
 2-13 vested in a Board of Directors consisting of nine (9) members, who
 2-14 must reside within the District and shall be freehold property
 2-15 taxpayers and legal voters of the State of Texas. The members of
 2-16 the Board of Directors shall be appointed by the Governor of Texas
 2-17 with the advice and consent of the Senate. As soon as practicable
 2-18 after the passage of this Act (as hereby amended), the members of
 2-19 the Board of Directors shall be appointed (hereinafter referred to
 2-20 as "First Board"). In appointing the members of the First Board,
 2-21 the Governor shall appoint three (3) members to serve until May 1,
 2-22 1961, and until their successors are appointed and qualified, three
 2-23 (3) members to serve until May 1, 1963, and until their successors
 2-24 are appointed and qualified, and three (3) members to serve until
 2-25 May 1, 1965, and until their successors are appointed and
 2-26 qualified. Except for the First Board, the terms of office of the
 2-27 members of the Board of Directors shall befor four [~~six (6)~~] years
 2-28 ending on May 1st, and until their successors are appointed and
 2-29 qualified, with either two or three [~~three (3)~~] members to be
 2-30 appointed annually during the month of April [~~of each odd-numbered~~
 2-31 ~~year~~] by the Governor to succeed the members whose terms of office
 2-32 shall expire on the following May 1st. If a vacancy on the Board of
 2-33 Directors occurs because of the resignation or death of a member, or
 2-34 otherwise, the Governor shall fill the same for the unexpired term
 2-35 by the appointment of a successor member. Each Director shall
 2-36 qualify by taking the official oath of office and filing a good and
 2-37 sufficient bond with the Secretary of State in the amount of One
 2-38 Thousand Dollars (\$1,000.), which shall be payable to the District,
 2-39 conditioned upon the faithful performance of his (or her) official
 2-40 duties as a Director.

2-41 (c) The Board of Directors shall meet at such times and
 2-42 places as it shall designate, and shall hold regular and special
 2-43 meetings as it shall see fit. Said Board shall organize by electing
 2-44 one of its members as [~~President, one as~~] Vice President, one as
 2-45 Secretary, and one as Treasurer (provided that the offices of
 2-46 Secretary and Treasurer may be combined into one office of
 2-47 Secretary-Treasurer upon a majority vote of the members of the
 2-48 Board). The Governor shall designate a Director as the President of
 2-49 the Board to serve in that capacity at the pleasure of the Governor.
 2-50 Except for the First Board, such officers shall serve for a term of
 2-51 one (1) year, and annually during the month of May said Board shall
 2-52 elect such officers. Special meetings of the Board may be called by
 2-53 the President or by any three members, and a majority of the members
 2-54 shall constitute a quorum to transact any and all business. A
 2-55 majority vote of the members present at any regular or special
 2-56 meeting shall be sufficient for the adoption of any proceedings or
 2-57 for the taking of any official action.

2-58 (c-1) The Board shall appoint a general manager of the
 2-59 District.

2-60 SECTION 3. Section 1A(a), Chapter 186, Acts of the 50th
 2-61 Legislature, Regular Session, 1947, is amended to read as follows:

2-62 (a) The District is subject to review under Chapter 325,
 2-63 Government Code (Texas Sunset Act), but may not be abolished under
 2-64 that chapter. The review shall be conducted under Section 325.025,
 2-65 Government Code, as if the District were a state agency scheduled to
 2-66 be abolished September 1, 2035 [~~2023~~], and every 12th year after
 2-67 that year.

2-68 SECTION 4. Chapter 186, Acts of the 50th Legislature,
 2-69 Regular Session, 1947, is amended by adding Sections 1B, 1C, 1D, 1E,

3-1 and 1F to read as follows:
 3-2 Sec. 1B. (a) It is a ground for removal from the Board that
 3-3 a Director:
 3-4 (1) does not have at the time of taking office the
 3-5 qualifications required by Section 1 of this Act;
 3-6 (2) does not maintain during service on the Board the
 3-7 qualifications required by Section 1 of this Act;
 3-8 (3) violates Chapter 171, Local Government Code;
 3-9 (4) cannot, because of illness or disability,
 3-10 discharge the Director's duties for a substantial part of the
 3-11 Director's term; or
 3-12 (5) is absent from more than half of the regularly
 3-13 scheduled Board meetings that the Director is eligible to attend
 3-14 during a calendar year without an excuse approved by a majority vote
 3-15 of the Board.
 3-16 (b) The validity of an action of the Board is not affected by
 3-17 the fact that it is taken when a ground for removal of a Director
 3-18 exists.
 3-19 (c) If the general manager has knowledge that a potential
 3-20 ground for removal exists, the general manager shall notify the
 3-21 President of the Board of the potential ground. The President shall
 3-22 then notify the Governor and the Attorney General that a potential
 3-23 ground for removal exists. If the potential ground for removal
 3-24 involves the President, the general manager shall notify the next
 3-25 highest ranking Director, who shall then notify the Governor and
 3-26 the Attorney General that a potential ground for removal exists.
 3-27 Sec. 1C. (a) A person who is appointed to and qualifies for
 3-28 office as a Director may not vote, deliberate, or be counted as a
 3-29 Director in attendance at a meeting of the Board until the person
 3-30 completes a training program that complies with this section.
 3-31 (b) The training program must provide the person with
 3-32 information regarding:
 3-33 (1) the law governing District operations;
 3-34 (2) the programs, functions, rules, and budget of the
 3-35 District;
 3-36 (3) the scope of and limitations on the rulemaking
 3-37 authority of the District;
 3-38 (4) the results of the most recent formal audit of the
 3-39 District;
 3-40 (5) the requirements of:
 3-41 (A) laws relating to open meetings, public
 3-42 information, administrative procedure, and disclosing conflicts of
 3-43 interest; and
 3-44 (B) other laws applicable to members of the
 3-45 governing body of a river authority in performing their duties; and
 3-46 (6) any applicable ethics policies adopted by the
 3-47 District or the Texas Ethics Commission.
 3-48 (c) A person appointed to the Board is entitled to
 3-49 reimbursement for the travel expenses incurred in attending the
 3-50 training program regardless of whether the attendance at the
 3-51 program occurs before or after the person qualifies for office.
 3-52 (d) The general manager of the District shall create a
 3-53 training manual that includes the information required by
 3-54 Subsection (b) of this section. The general manager shall
 3-55 distribute a copy of the training manual annually to each Director.
 3-56 Each Director shall sign and submit to the general manager a
 3-57 statement acknowledging that the Director received and has reviewed
 3-58 the training manual.
 3-59 Sec. 1D. The Board shall develop and implement policies
 3-60 that clearly separate the policy-making responsibilities of the
 3-61 Board and the management responsibilities of the general manager
 3-62 and the staff of the District.
 3-63 Sec. 1E. (a) The District shall maintain a system to
 3-64 promptly and efficiently act on complaints filed with the District.
 3-65 The District shall maintain information about parties to the
 3-66 complaint, the subject matter of the complaint, a summary of the
 3-67 results of the review or investigation of the complaint, and its
 3-68 disposition.
 3-69 (b) The District shall make information available

4-1 describing its procedures for complaint investigation and
4-2 resolution.

4-3 (c) The District shall periodically notify the complaint
4-4 parties of the status of the complaint until final disposition,
4-5 unless the notice would jeopardize an investigation.

4-6 Sec. 1F. The Board shall develop and implement policies
4-7 that provide the public with a reasonable opportunity to appear
4-8 before the Board and to speak on any issue under the jurisdiction of
4-9 the District.

4-10 SECTION 5. The following provisions are repealed:

4-11 (1) Section 1(a), Chapter 22, Acts of the 56th
4-12 Legislature, 3rd Called Session, 1959; and

4-13 (2) Chapter 417, Acts of the 61st Legislature, Regular
4-14 Session, 1969.

4-15 SECTION 6. (a) The legislature validates and confirms all
4-16 governmental acts and proceedings of the Lavaca-Navidad River
4-17 Authority that were taken before the effective date of this Act.

4-18 (b) This section does not apply to any matter that on the
4-19 effective date of this Act:

4-20 (1) is involved in litigation if the litigation
4-21 ultimately results in the matter being held invalid by a final court
4-22 judgment; or

4-23 (2) has been held invalid by a final court judgment.

4-24 SECTION 7. At the first meeting of the board of the
4-25 Lavaca-Navidad River Authority that follows the effective date of
4-26 this Act, the six directors of the Lavaca-Navidad River Authority
4-27 whose terms do not expire on May 1, 2027, shall draw lots to
4-28 determine which two directors will serve terms that expire on May 1,
4-29 2024, which two directors will serve terms that expire on May 1,
4-30 2025, and which two directors will serve terms that expire on May 1,
4-31 2026. The three directors with terms expiring on May 1, 2027, will
4-32 serve terms that expire on that date.

4-33 SECTION 8. Notwithstanding Section 1C, Chapter 186, Acts of
4-34 the 50th Legislature, Regular Session, 1947, as added by this Act, a
4-35 person serving on the board of directors of the Lavaca-Navidad
4-36 River Authority may vote, deliberate, and be counted as a director
4-37 in attendance at a meeting of the board until December 1, 2023.

4-38 SECTION 9. (a) The legal notice of the intention to
4-39 introduce this Act, setting forth the general substance of this
4-40 Act, has been published as provided by law, and the notice and a
4-41 copy of this Act have been furnished to all persons, agencies,
4-42 officials, or entities to which they are required to be furnished
4-43 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4-44 Government Code.

4-45 (b) The governor, one of the required recipients, has
4-46 submitted the notice and Act to the Texas Commission on
4-47 Environmental Quality.

4-48 (c) The Texas Commission on Environmental Quality has filed
4-49 its recommendations relating to this Act with the governor, the
4-50 lieutenant governor, and the speaker of the house of
4-51 representatives within the required time.

4-52 (d) All requirements of the constitution and laws of this
4-53 state and the rules and procedures of the legislature with respect
4-54 to the notice, introduction, and passage of this Act are fulfilled
4-55 and accomplished.

4-56 SECTION 10. This Act takes effect September 1, 2023.

4-57 * * * * *