

BILL ANALYSIS

S.B. 1362
By: Staples
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, Lake Columbia (previously Lake Eastex) is a part of the statewide water plan. S.B. 1362 designates Lake Columbia as a unique reservoir. This bill establishes a partnership between the Angelina and Neches River Authority which is responsible for overseeing construction of the dam, and the Texas Water Development Board in order to allow the river authority to secure project funding from the Texas Water Development Fund II.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Angelina and Neches River Authority in SECTION 7 of this bill.

ANALYSIS

SECTION 1. DEFINITIONS. Defines "authority," "board," and "Lake Columbia."

SECTION 2. RENAMING OF SITE. Sets forth the legislative determination that the Lake Eastex project in Cherokee and Smith counties should be renamed Lake Columbia because of the Columbia space shuttle disaster's impact on the people in East Texas, and as a memorial to the seven astronauts who died in the disaster.

SECTION 3. DESIGNATION OF SITE. Provides that the legislature, as authorized by Section 16.051(g), Water Code, designates the site known as the Lake Columbia site on Mud Creek, a tributary of the Angelina River, in Cherokee and Smith counties, Texas, as a site of unique value for the construction of a dam and reservoir on Mud Creek, to impound up to 195,500 acre-feet of water as authorized by Permit to Appropriate State Water Number 4228 (Application No. 4537) held by the Angelina Neches River Authority (authority). Provides that the legislature also determines that the Lake Columbia Regional Water Supply Project is necessary to meet water supply requirements.

SECTION 4. ACQUISITION AND FUNDING. (a) Provides that using the state participation account of the Texas Water Development Fund II to encourage optimal regional development of the Lake Columbia project, the Texas Water Development Board (TWDB) is authorized to execute an agreement with the authority to acquire the entire or any undivided interest in the Lake Columbia site and other land needed for the project. Requires the authority to hold title in trust for TWDB. (b) Authorizes TWDB, using the state participation account of the Texas Water Development Fund II, to issue bonds to acquire up to 50 percent of any undivided interest in the Lake Columbia project, including the entire or any undivided interest in the site.

SECTION 5. PURCHASE OF BOARD'S INTEREST. Requires any contract providing for state participation in the Lake Columbia site or the construction of a reservoir at that site to provide for the purchase of TWDB's interest in the facility in accordance with Section 16.186(b), Water Code. Requires TWDB to contract with the authority for such a purchase.

SECTION 6. EXEMPTION FROM WATER QUALITY FEES. Provides that neither TWDB nor the authority is required to pay water quality fees under Section 26.0291, Water Code, on the Lake Columbia project until it is completed.

SECTION 7. RULES. Authorizes the authority, after notice and hearing, to adopt rules to protect water quality in the site that are consistent with state and federal water quality requirements. Authorizes the rules to include certain actions and prohibitions.

SECTION 8. IMPACT FEES. Authorizes the authority to impose impact fees on the area regulated under rules adopted under Section 7 of this Act.

SECTION 9. EFFECTIVE DATE. Provides that this Act takes effect upon passage or September 1, 2003.

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This Act takes effect upon passage or September 1, 2003.