

By: Staples

S.B. No. 1362

A BILL TO BE ENTITLED

AN ACT

relating to the development of a regional water supply reservoir project at the Lake Eastex reservoir site and the acquisition of the site and other property.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

(1) "Authority" means the Angelina and Neches River Authority.

(2) "Board" means the Texas Water Development Board.

SECTION 2. DESIGNATION OF SITE. The legislature, as authorized by Section 16.051(g), Water Code, designates the site known as the Lake Eastex 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 authority. The legislature also determines that the Lake Eastex Regional Water Supply Project is necessary to meet water supply requirements.

SECTION 3. ACQUISITION AND FUNDING. (a) Using the state participation account of the Texas Water Development Fund II to encourage optimal regional development of the Lake Eastex project, the board is authorized to execute an agreement with the authority to acquire the entire or any undivided interest in the Lake Eastex

1 site and other land needed for the project. The authority shall
2 hold title in trust for the board.

3 (b) Using the state participation account of the Texas Water
4 Development Fund II, the board may issue bonds to acquire up to 50
5 percent of any undivided interest in the Lake Eastex project,
6 including the entire or any undivided interest in the site.

7 SECTION 4. PURCHASE OF BOARD'S INTEREST. Any contract
8 providing for state participation in the Lake Eastex site or the
9 construction of a reservoir at that site must provide for the
10 purchase of the board's interest in the facility in accordance with
11 Section 16.186(b), Water Code. The board shall contract with the
12 authority for such a purchase.

13 SECTION 5. EXEMPTION FROM WATER QUALITY FEES. Neither the
14 board nor the authority is required to pay water quality fees under
15 Section 26.0291, Water Code, on the Lake Eastex project until it is
16 completed.

17 SECTION 6. RULES. The authority, after notice and hearing,
18 may adopt rules to protect water quality in the site that are
19 consistent with state and federal water quality requirements. The
20 rules may include:

21 (1) establishment of an area around the site to be
22 protected from sources of pollution;

23 (2) prohibition of or restrictions on the use of
24 on-site sewage disposal systems in the protected zone;

25 (3) restrictions on locating facilities that may
26 discharge waste into the site; and

27 (4) other prohibitions, restrictions, or requirements

1 that may be necessary to protect the water quality in the site and
2 in the reservoir after it is completed.

3 SECTION 7. IMPACT FEES. The authority may impose impact
4 fees on the area regulated under rules adopted under Section 6 of
5 this Act.

6 SECTION 8. EFFECTIVE DATE. This Act takes effect
7 immediately if it receives a vote of two-thirds of all the members
8 elected to each house, as provided by Section 39, Article III, Texas
9 Constitution. If this Act does not receive the vote necessary for
10 immediate effect, this Act takes effect September 1, 2003.