

1-1 By: Staples S.B. No. 1362
1-2 (In the Senate - Filed March 13, 2003; March 19, 2003, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 22, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 11, Nays 0; April 22, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1362 By: Staples

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the development of a regional water supply reservoir
1-11 project at Lake Eastex reservoir site, the renaming of the site as
1-12 Lake Columbia, and the acquisition of the site and other property;
1-13 providing for the issuance of bonds.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. DEFINITIONS. In this Act:

1-16 (1) "Authority" means the Angelina and Neches River
1-17 Authority.

1-18 (2) "Board" means the Texas Water Development Board.

1-19 (3) "Lake Columbia" means the reservoir project
1-20 previously known as Lake Eastex authorized by Permit to Appropriate
1-21 State Water Number 4228 (Application No. 4537) held by the
1-22 authority.

1-23 SECTION 2. RENAMING OF SITE. Because of the significant
1-24 impact the Space Shuttle Columbia disaster has had on the people in
1-25 East Texas and as a memorial to the seven astronauts lost in the
1-26 disaster, the legislature has determined that the name of the Lake
1-27 Eastex project in Cherokee and Smith counties should be renamed
1-28 Lake Columbia.

1-29 SECTION 3. DESIGNATION OF SITE. The legislature, as
1-30 authorized by Subsection (g), Section 16.051, Water Code,
1-31 designates the site known as the Lake Columbia site on Mud Creek, a
1-32 tributary of the Angelina River, in Cherokee and Smith counties,
1-33 Texas, as a site of unique value for the construction of a dam and
1-34 reservoir on Mud Creek, to impound up to 195,500 acre-feet of water
1-35 as authorized by Permit to Appropriate State Water Number 4228
1-36 (Application No. 4537) held by the authority. The legislature also
1-37 determines that the Lake Columbia Regional Water Supply Project is
1-38 necessary to meet water supply requirements.

1-39 SECTION 4. ACQUISITION AND FUNDING. (a) Using the state
1-40 participation account of the Texas Water Development Fund II to
1-41 encourage optimal regional development of the Lake Columbia
1-42 project, the board is authorized to execute an agreement with the
1-43 authority to acquire the entire or any undivided interest in the
1-44 Lake Columbia site and other land needed for the project. The
1-45 authority shall hold title in trust for the board.

1-46 (b) Using the state participation account of the Texas Water
1-47 Development Fund II, the board may issue bonds to acquire up to 50
1-48 percent of any undivided interest in the Lake Columbia project,
1-49 including the entire or any undivided interest in the site.

1-50 SECTION 5. PURCHASE OF BOARD'S INTEREST. Any contract
1-51 providing for state participation in the Lake Columbia site or the
1-52 construction of a reservoir at that site must provide for the
1-53 purchase of the board's interest in the facility in accordance with
1-54 Subsection (b), Section 16.186, Water Code. The board shall
1-55 contract with the authority for such a purchase.

1-56 SECTION 6. EXEMPTION FROM WATER QUALITY FEES. Neither the
1-57 board nor the authority is required to pay water quality fees under
1-58 Section 26.0291, Water Code, on the Lake Columbia project until it
1-59 is completed.

1-60 SECTION 7. RULES. The authority, after notice and hearing,
1-61 may adopt rules to protect water quality in the site that are
1-62 consistent with state and federal water quality requirements. The
1-63 rules may include:

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

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

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

(4) other prohibitions, restrictions, or requirements that may be necessary to protect the water quality in the site and in the reservoir after it is completed.

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

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

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