

## **BILL ANALYSIS**

C.S.H.B. 2597  
By: Guillen  
Border and International Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, state agencies collect pertinent information concerning colonias. However, a complete state-wide classification system with the progress of state-funded projects in colonia areas does not exist. State government would be better able to address colonia issues if such a system were in existence.

The committee substitute to House Bill 2597 requires the Secretary of State to establish and maintain a classification system to track the progress of state-funded projects in colonia areas and submit a report to the legislature on the progress of the projects.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1 Adds Section 405.021, Government Code, requiring the Secretary of State to prepare a report on state-funded projects serving colonias.

Defines colonia as a geographic area that is an economically distressed area as defined by Section 17.921, Water Code, and is located in a county any part of which is within 62 miles of the Texas-Mexico border.

Requires the secretary of state, based on information provided by the Office of Rural Community Affairs, the Water Development Board, the Transportation Commission, the Department of Housing and Community Affairs, the Department of State Health Services, and any other appropriate agency as determined by the Secretary of State, to establish and maintain a classification system that allows the secretary of state to track the progress of state-funded projects that provide water or wastewater services, paved roads, and other assistance to colonias. The Secretary of State shall also compile information on colonias that is received from the various colonia ombudsmen under Section 775.004, Government Code

The Secretary of State (Secretary) shall prepare a report on the progress of state-funded projects in providing water and wastewater services, paved roads, and other assistance to colonias and to submit the report to the presiding officer of each house of the legislature not later than December 1 of each even-numbered year. The report must include a list of colonias with the highest health risk to colonia residents.

In conjunction with the establishment of the classification system, the Secretary is also required to establish and maintain a statewide system for identifying colonias. The Secretary is authorized to contract with a third party to develop the classification system or compile or maintain the relevant information required by Section 405.021, Government Code.

SECTION 2 Adds Section 487.060, Government Code, requiring the Office of Rural and Community Affairs to assist the Secretary in preparing the report required under Section 405.021, Government Code, and to provide on a quarterly basis a report

to the Secretary detailing any projects funded by the Office that serve colonias by providing water or wastewater services, paved roads, or other assistance. Requires the report to include certain information.

Defines colonia as a geographic area that is an economically distressed area as defined by Section 17.921, Water Code, and is located in a county any part of which is within 62 miles of the Texas-Mexico border.

SECTION 3 Amends Section 775.003, Government Code, requiring the colonia initiatives coordinator to appoint a colonia ombudsman in each of the six border counties that the coordinator determines have the largest colonia populations.

Adds Section 775.004, Government Code, requiring the colonia ombudsmen to gather information about the colonias in the counties for which the ombudsmen were appointed and provide the information to the Secretary and to assist the Secretary in preparing the report required under Section 405.021, Government Code. Sets forth specific information which the ombudsmen are required, to the extent possible, to gather and requires the ombudsmen to provide the information to the Secretary not later than September 1 of each even-numbered year.

SECTION 4 Adds Section 2306.083, Government Code, requiring the governing board of the Department of Housing and Community Affairs to assist the Secretary in preparing the report required under Section 405.021, Government Code, and to provide on a quarterly basis a report to the Secretary detailing any projects funded by the Department that provide assistance to colonias. Requires the report to include certain information.

Defines colonia as a geographic area that is an economically distressed area as defined by Section 17.921, Water Code, and is located in a county any part of which is within 62 miles of the Texas-Mexico border.

SECTION 5 Adds 1001.033, Health and Safety Code, requiring the commissioner of state health services, to assist the Secretary in preparing the report required under Section 405.021, Government Code, and to provide on a quarterly basis a report to the Secretary detailing any projects funded by the Department of State Health Services that provide assistance to colonias. Requires the report to include certain information.

Defines colonia as a geographic area that is an economically distressed area as defined by Section 17.921, Water Code, and is located in a county any part of which is within 62 miles of the Texas-Mexico border.

SECTION 6 Adds Section 201.116, Transportation Code, requiring the Transportation Commission to assist the Secretary in preparing the report required under Section 405.021, Government Code, and to provide on a quarterly a report to the Secretary detailing any projects funded by the Commission that serve colonias by providing paved roads or other assistance. Requires the report to include certain information.

Defines colonia as a geographic area that is an economically distressed area as defined by Section 17.921, Water Code, and is located in a county any part of which is within 62 miles of the Texas-Mexico border.

SECTION 7 Adds Section 6.1565, Water Code, requiring the Water Development Board, to assist the Secretary in preparing the report required under Section 405.021, Government Code, and to provide on a quarterly basis a report to the Secretary detailing any projects funded by the board that serve colonias by providing water or wastewater services or other assistance. Requires the report to include certain information.

Defines colonia as a geographic area that is an economically distressed area as defined by Section 17.921, Water Code, and is located in a county any part of which is within 62 miles of the Texas-Mexico border.

SECTION 8 This Act takes effect September 1, 2005.

**EFFECTIVE DATE**

September 1, 2005

**COMPARISON OF ORIGINAL TO SUBSTITUTE**

The committee substitute defines a colonia as a geographic area that is an economically distressed area as defined by Section 17.921, Water Code, and is located in a county any part of which is within 62 miles of an international border. The original defined colonia more broadly.

The committee substitute requires the Secretary of State (Secretary) to establish and maintain a classification system to track the progress of state-funded projects providing assistance to colonias. The information compiling the classification system shall come from the Office of Rural and Community Affairs, the Water Development Board, the Texas Transportation Commission, the Department of Housing of Community Affairs, the Department of State Health Services, and any other appropriate agency. The Secretary is required to prepare a report on the progress of the projects and submit the report to the legislature not later than December 1 of each even-numbered year.

The committee substitute requires the colonia initiatives coordinator to appoint a colonia ombudsman in the six border counties that the coordinator determines have the largest colonia populations. The ombudsmen shall gather certain information about colonias in those counties and provide that information to the Secretary of State to prepare the report to the legislature.

The original version of the bill required all applicants applying for certain financial assistance from the Office of Rural Community Affairs, the Department of Housing and Community Affairs, and the Water Development Board to submit a questionnaire regarding the availability of certain services in the area seeking the assistance. It also required the same three agencies to use the questionnaire in evaluating colonias and other economically distressed areas when awarding financial assistance.