

By: Zaffirini, Lucio

S.B. No. 99

A BILL TO BE ENTITLED

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AN ACT

relating to the identification of and provision of assistance to colonias and for tracking the progress of certain state-funded projects that benefit colonias.

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

SECTION 1. Subsections (a), (c), (d), and (e), Section 405.021, Government Code, as added by Chapter 828, Acts of the 79th Legislature, Regular Session, 2005, are amended to read as follows:

(a) In this section, "colonia" means a geographic area that:

(1) is an economically distressed area as defined by Section 17.921, Water Code; ~~and~~

(2) is located in a county any part of which is within 62 miles of an international border; and

(3) consists of 11 or more dwellings that are located in close proximity to each other in an area that may be described as a community or neighborhood.

(c) The secretary of state shall compile information received from the Office of Rural Community Affairs, the Texas Water Development Board, the Texas Transportation Commission, the Texas Department of Housing and Community Affairs, the Department of State Health Services, the Texas Commission on Environmental Quality, the Health and Human Services Commission, the Texas Cooperative Extension, councils of governments, an institution of higher education that receives funding from the state for projects

1 that provide assistance to colonias, and any other agency
2 considered appropriate by the secretary of state for purposes of
3 the classification system.

4 (d) The secretary of state shall compile information on
5 colonias that is received from the colonia ombudspersons
6 [~~ombudsmen~~] under Section 775.004.

7 (e) The secretary of state shall:

8 (1) with the assistance of the office of the attorney
9 general, prepare a report on the progress of state-funded projects
10 in providing water or wastewater services, paved roads, and other
11 assistance to colonias; and

12 (2) submit the report to the presiding officer of each
13 house of the legislature not later than:

14 (A) December 1 of each even-numbered year, if
15 funds are appropriated specifically for the purpose of preparing
16 and submitting the report; or

17 (B) if funds are not appropriated as described by
18 Paragraph (A), December 1, 2010, and December 1 of every fourth year
19 following that date.

20 SECTION 2. Section 487.060, Government Code, as added by
21 Chapter 828, Acts of the 79th Legislature, Regular Session, 2005,
22 is amended to read as follows:

23 Sec. 487.060. REPORT TO SECRETARY OF STATE. (a) In this
24 section, "colonia" means a geographic area that:

25 (1) is an economically distressed area as defined by
26 Section 17.921, Water Code; [~~and~~]

27 (2) is located in a county any part of which is within

1 62 miles of an international border; and

2 (3) consists of 11 or more dwellings that are located
3 in close proximity to each other in an area that may be described as
4 a community or neighborhood.

5 (b) To assist the secretary of state in preparing the report
6 required under Section 405.021, the office on a quarterly basis
7 shall provide a report to the secretary of state detailing any
8 projects funded by the office that serve colonias by providing
9 water or wastewater services, paved roads, or other assistance.

10 (c) The report must include:

11 (1) a description of any relevant projects;

12 (2) the location of each project;

13 (3) the number of colonia residents served by each
14 project;

15 (4) the exact amount spent ~~[cost]~~ or the anticipated
16 amount to be spent on each colonia served by ~~[cost of]~~ each project;

17 (5) a statement of whether each project is completed
18 and, if not, the expected completion date of the project; and

19 (6) any other information, as determined appropriate
20 by the secretary of state.

21 (d) The office shall require an applicant for funds
22 administered by the office to submit to the office a colonia
23 classification number, if one exists, for each colonia that may be
24 served by the project proposed in the application. If a colonia
25 does not have a classification number, the office may contact the
26 secretary of state or the secretary of state's representative to
27 obtain a number. On request of the office, the secretary of state

1 or the secretary of state's representative shall assign a
2 classification number.

3 SECTION 3. Subchapter A, Chapter 531, Government Code, is
4 amended by adding Section 531.0141 to read as follows:

5 Sec. 531.0141. REPORT TO SECRETARY OF STATE. (a) In this
6 section, "colonia" means a geographic area that:

7 (1) is an economically distressed area as defined by
8 Section 17.921, Water Code;

9 (2) is located in a county any part of which is within
10 62 miles of an international border; and

11 (3) consists of 11 or more dwellings that are located
12 in close proximity to each other in an area that may be described as
13 a community or neighborhood.

14 (b) To assist the secretary of state in preparing the report
15 required under Section 405.021, the commission on a quarterly basis
16 shall provide a report to the secretary of state detailing any
17 projects funded by the commission that provide assistance to
18 colonias.

19 (c) The report must include:

20 (1) a description of any relevant projects;

21 (2) the location of each project;

22 (3) the number of colonia residents served by each
23 project;

24 (4) the exact amount spent or the anticipated amount
25 to be spent on each colonia served by each project;

26 (5) a statement of whether each project is completed
27 and, if not, the expected completion date of the project; and

1 (6) any other information, as determined appropriate
2 by the secretary of state.

3 (d) The commission shall require an applicant for funds
4 administered by the commission to submit to the commission a
5 colonia classification number, if one exists, for each colonia that
6 may be served by the project proposed in the application. If a
7 colonia does not have a classification number, the commission may
8 contact the secretary of state or the secretary of state's
9 representative to obtain the classification number. On request of
10 the commission, the secretary of state or the secretary of state's
11 representative shall assign a classification number to the colonia.

12 SECTION 4. Subdivision (2), Section 775.001, Government
13 Code, is amended to read as follows:

14 (2) "Colonia" means a geographic area that:

15 (A) is an economically distressed area as defined
16 by Section 17.921, Water Code, and consists of 11 or more dwellings
17 that are located in close proximity to each other in an area that
18 may be described as a community or neighborhood; and

19 (B) is:

20 (i) located in a county any part of which is
21 within 50 miles of an international border; or

22 (ii) located in a county:

23 (a) any part of which is within 100
24 miles of an international border; and

25 (b) that contains the majority of the
26 area of a municipality with a population of more than 250,000.

27 SECTION 5. Section 775.003, Government Code, as added by

1 Chapter 708, Acts of the 79th Legislature, Regular Session, 2005,
2 is amended to read as follows:

3 Sec. 775.003. COLONIA OMBUDSPERSON [~~OMBUDSMAN~~] PROGRAM.

4 The colonia initiatives coordinator shall [~~may~~] appoint a colonia
5 ombudsperson [~~ombudsman~~] in:

6 (1) each of the six border counties that the
7 coordinator determines have the largest colonia populations; and

8 (2) each additional county any part of which is within
9 100 miles of an international border and that contains the majority
10 of the area of a municipality with a population of more than
11 250,000.

12 SECTION 6. Section 775.004, Government Code, as added by
13 Chapter 828, Acts of the 79th Legislature, Regular Session, 2005,
14 is amended to read as follows:

15 Sec. 775.004. INFORMATION ON COLONIAS. (a) The colonia
16 ombudspersons [~~ombudsmen~~] shall gather information about the
17 colonias in the counties for which the ombudspersons [~~ombudsmen~~]
18 were appointed and provide the information to the secretary of
19 state, to assist the secretary of state in preparing the report
20 required under Section 405.021.

21 (b) To the extent possible, the ombudspersons [~~ombudsmen~~]
22 shall gather information regarding:

- 23 (1) the platting of each colonia;
24 (2) the infrastructure of each colonia;
25 (3) the availability of health care services;
26 (4) the availability of financial assistance; and
27 (5) any other appropriate topic as requested by the

1 secretary of state.

2 (c) The ombudspersons [~~ombudsmen~~] shall provide the
3 information to the secretary of state not later than September 1 of
4 each even-numbered year.

5 SECTION 7. Subsection (d), Section 1403.002, Government
6 Code, is amended to read as follows:

7 (d) The commission, in cooperation with the office of the
8 governor, shall:

9 (1) define by rule "border colonia" as a geographic
10 area that consists of 11 or more dwellings that are located in close
11 proximity to each other in an area that may be described as a
12 community or neighborhood and subject to any other criteria
13 considered appropriate by the commission and the office of the
14 governor;

15 (2) establish by rule criteria for selecting which
16 areas and which colonia access roadway projects are eligible for
17 assistance under this chapter;

18 (3) determine the counties and the colonia access
19 roadway projects that are to receive financial assistance and the
20 amount of assistance given to a county or project;

21 (4) establish by rule minimum road standards a
22 county's colonia access roadway proposal must meet to be awarded a
23 grant;

24 (5) establish by rule grant application procedures;
25 and

26 (6) establish by rule financial reporting
27 requirements for counties that receive assistance for colonia

1 access roadway projects to serve border colonias.

2 SECTION 8. Section 2306.083, Government Code, is amended to
3 read as follows:

4 Sec. 2306.083. REPORT TO SECRETARY OF STATE. (a) In this
5 section, "colonia" means a geographic area that:

6 (1) is an economically distressed area as defined by
7 Section 17.921, Water Code; ~~and~~

8 (2) is located in a county any part of which is within
9 62 miles of an international border; and

10 (3) consists of 11 or more dwellings that are located
11 in close proximity to each other in an area that may be described as
12 a community or neighborhood.

13 (b) To assist the secretary of state in preparing the report
14 required under Section 405.021, the board on a quarterly basis
15 shall provide a report to the secretary of state detailing any
16 projects funded by the department that provide assistance to
17 colonias.

18 (c) The report must include:

19 (1) a description of any relevant projects;

20 (2) the location of each project;

21 (3) the number of colonia residents served by each
22 project;

23 (4) the exact amount spent ~~cost~~ or the anticipated
24 amount to be spent on each colonia served by ~~cost of~~ each project;

25 (5) a statement of whether each project is completed
26 and, if not, the expected completion date of the project; and

27 (6) any other information, as determined appropriate

1 by the secretary of state.

2 (d) The department shall require an applicant for funds
3 administered by the department to submit to the department a
4 colonia classification number, if one exists, for each colonia that
5 may be served by the project proposed in the application. If a
6 colonia does not have a classification number, the department may
7 contact the secretary of state or the secretary of state's
8 representative to obtain the classification number. On request of
9 the department, the secretary of state or the secretary of state's
10 representative shall assign a classification number to the colonia.

11 SECTION 9. Subdivision (1), Section 2306.581, Government
12 Code, is amended to read as follows:

13 (1) "Colonia" means a geographic area that is located
14 in a county some part of which is within 150 miles of the
15 international border of this state, that consists of 11 or more
16 dwellingings that are located in close proximity to each other in an
17 area that may be described as a community or neighborhood, and that:

18 (A) has a majority population composed of
19 individuals and families of low income and very low income, based on
20 the federal Office of Management and Budget poverty index, and
21 meets the qualifications of an economically distressed area under
22 Section 17.921, Water Code; or

23 (B) has the physical and economic
24 characteristics of a colonia, as determined by the department.

25 SECTION 10. Subchapter A, Chapter 51, Education Code, is
26 amended by adding Section 51.0052 to read as follows:

27 Sec. 51.0052. REPORT TO SECRETARY OF STATE. (a) In this

1 section, "colonia" means a geographic area that:

2 (1) is an economically distressed area as defined by
3 Section 17.921, Water Code;

4 (2) is located in a county any part of which is within
5 62 miles of an international border; and

6 (3) consists of 11 or more dwellings that are located
7 in close proximity to each other in an area that may be described as
8 a community or neighborhood.

9 (b) To assist the secretary of state in preparing the report
10 required under Section 405.021, Government Code, an institution of
11 higher education on a quarterly basis shall provide a report to the
12 secretary of state detailing any projects funded by the institution
13 of higher education that provide assistance to colonias.

14 (c) The report must include:

15 (1) a description of any relevant projects;

16 (2) the location of each project;

17 (3) the number of colonia residents served by each
18 project;

19 (4) the exact amount spent or the anticipated amount
20 to be spent on each colonia served by each project;

21 (5) a statement of whether each project is completed
22 and, if not, the expected completion date of the project; and

23 (6) any other information, as determined appropriate
24 by the secretary of state.

25 (d) The institution of higher education shall require an
26 applicant for funds administered by the institution to submit to
27 the institution a colonia classification number, if one exists, for

1 each colonia that may be served by the project proposed in the
2 application. If a colonia does not have a classification number,
3 the institution of higher education may contact the secretary of
4 state or the secretary of state's representative to obtain the
5 classification number. On request of the institution, the
6 secretary of state or the secretary of state's representative shall
7 assign a classification number to the colonia.

8 SECTION 11. Subchapter Z, Chapter 51, Education Code, is
9 amended by adding Section 51.9201 to read as follows:

10 Sec. 51.9201. ALTERNATIVE TECHNOLOGY FOR COLONIAS. An
11 institution of higher education as defined by Section 61.003 that
12 has a program in the area of community, rural, or urban development
13 shall create partnerships with governmental agencies and counties
14 to implement programs, policies, and strategies to develop
15 alternative technologies to assist colonias that have inadequate
16 services or are without services, including water, wastewater,
17 utility, transportation, housing, and public health care services.

18 SECTION 12. Subchapter E, Chapter 5, Water Code, is amended
19 by adding Section 5.1781 to read as follows:

20 Sec. 5.1781. REPORT TO SECRETARY OF STATE. (a) In this
21 section, "colonia" means a geographic area that:

22 (1) is an economically distressed area as defined by
23 Section 17.921;

24 (2) is located in a county any part of which is within
25 62 miles of an international border; and

26 (3) consists of 11 or more dwellings that are located
27 in close proximity to each other in an area that may be described as

1 a community or neighborhood.

2 (b) To assist the secretary of state in preparing the report
3 required under Section 405.021, Government Code, the commission on
4 a quarterly basis shall provide a report to the secretary of state
5 detailing any projects funded by the commission that provide
6 assistance to colonias.

7 (c) The report must include:

8 (1) a description of any relevant projects;

9 (2) the location of each project;

10 (3) the number of colonia residents served by each
11 project;

12 (4) the exact amount spent or the anticipated amount
13 to be spent on each colonia served by each project;

14 (5) a statement of whether each project is completed
15 and, if not, the expected completion date of the project; and

16 (6) any other information, as determined appropriate
17 by the secretary of state.

18 (d) The commission shall require an applicant for funds
19 administered by the commission to submit to the commission a
20 colonia classification number, if one exists, for each colonia that
21 may be served by the project proposed in the application. If a
22 colonia does not have a classification number, the commission may
23 contact the secretary of state or the secretary of state's
24 representative to obtain the classification number. On request of
25 the commission, the secretary of state or the secretary of state's
26 representative shall assign a classification number to the colonia.

27 SECTION 13. Section 6.1565, Water Code, is amended to read

1 as follows:

2 Sec. 6.1565. REPORT TO SECRETARY OF STATE. (a) In this
3 section, "colonia" means a geographic area that:

4 (1) is an economically distressed area as defined by
5 Section 17.921; ~~and~~

6 (2) is located in a county any part of which is within
7 62 miles of an international border; and

8 (3) consists of 11 or more dwellings that are located
9 in close proximity to each other in an area that may be described as
10 a community or neighborhood.

11 (b) To assist the secretary of state in preparing the report
12 required under Section 405.021, Government Code, the board on a
13 quarterly basis shall provide a report to the secretary of state
14 detailing any projects funded by the board that serve colonias by
15 providing water or wastewater services or other assistance.

16 (c) The report must include:

17 (1) a description of any relevant projects;

18 (2) the location of each project;

19 (3) the number of colonia residents served by each
20 project;

21 (4) the exact amount spent ~~cost~~ or the anticipated
22 amount to be spent on each colonia served by ~~cost of~~ each project;

23 (5) a statement of whether each project is completed
24 and, if not, the expected completion date of the project; and

25 (6) any other information, as determined appropriate
26 by the secretary of state.

27 (d) The board shall require an applicant for funds

1 administered by the board to submit to the board a colonia
2 classification number, if one exists, for each colonia that may be
3 served by the project proposed in the application. If a colonia
4 does not have a classification number, the board may contact the
5 secretary of state or the secretary of state's representative to
6 obtain the classification number. On request of the board, the
7 secretary of state or the secretary of state's representative shall
8 assign a classification number to the colonia.

9 SECTION 14. Subdivision (12), Section 15.001, Water Code,
10 is amended to read as follows:

11 (12) "Nonborder colonia" means a residential
12 community:

13 (A) located in an unincorporated area of a county
14 all parts of which are at least 150 miles from the international
15 border of this state;

16 (B) in which water or wastewater services are
17 inadequate to meet minimal needs of residential users as defined by
18 board rules; ~~and~~

19 (C) in which the average household income is less
20 than the average household income for the county in which the
21 community is located; and

22 (D) that consists of 11 or more dwellings that
23 are located in close proximity to each other in an area that may be
24 described as a community or neighborhood.

25 SECTION 15. Subdivision (2), Section 15.951, Water Code, is
26 amended to read as follows:

27 (2) "Colonia" means a geographic area that:

1 (A) is an economically distressed area as defined
2 by Section 17.921; [~~and~~]

3 (B) is located in a county any part of which is
4 within 50 miles of an international border; and

5 (C) consists of 11 or more dwellings that are
6 located in close proximity to each other in an area that may be
7 described as a community or neighborhood.

8 SECTION 16. Section 1001.033, Health and Safety Code, is
9 amended to read as follows:

10 Sec. 1001.033. REPORT TO SECRETARY OF STATE. (a) In this
11 section, "colonia" means a geographic area that:

12 (1) is an economically distressed area as defined by
13 Section 17.921, Water Code; [~~and~~]

14 (2) is located in a county any part of which is within
15 62 miles of an international border; and

16 (3) consists of 11 or more dwellings that are located
17 in close proximity to each other in an area that may be described as
18 a community or neighborhood.

19 (b) To assist the secretary of state in preparing the report
20 required under Section 405.021, Government Code, the commissioner
21 on a quarterly basis shall provide a report to the secretary of
22 state detailing any projects funded by the department that provide
23 assistance to colonias.

24 (c) The report must include:

25 (1) a description of any relevant projects;

26 (2) the location of each project;

27 (3) the number of colonia residents served by each

1 project;

2 (4) the exact amount spent [~~cost~~] or the anticipated
3 amount to be spent on each colonia served by [~~cost of~~] each project;

4 (5) a statement of whether each project is completed
5 and, if not, the expected completion date of the project; and

6 (6) any other information, as determined appropriate
7 by the secretary of state.

8 (d) The commission shall require an applicant for funds
9 administered by the commission to submit to the commission a
10 colonia classification number, if one exists, for each colonia that
11 may be served by the project proposed in the application. If a
12 colonia does not have a classification number, the commission may
13 contact the secretary of state or the secretary of state's
14 representative to obtain the classification number. On request of
15 the commission, the secretary of state or the secretary of state's
16 representative shall assign a classification number to the colonia.

17 SECTION 17. Section 201.116, Transportation Code, is
18 amended to read as follows:

19 Sec. 201.116. REPORT TO SECRETARY OF STATE. (a) In this
20 section, "colonia" means a geographic area that:

21 (1) is an economically distressed area as defined by
22 Section 17.921, Water Code; [~~and~~]

23 (2) is located in a county any part of which is within
24 62 miles of an international border; and

25 (3) consists of 11 or more dwellings that are located
26 in close proximity to each other in an area that may be described as
27 a community or neighborhood.

1 (b) To assist the secretary of state in preparing the report
2 required under Section 405.021, Government Code, the commission on
3 a quarterly basis shall provide a report to the secretary of state
4 detailing any projects funded by the department that serve colonias
5 by providing paved roads or other assistance.

6 (c) The report must include:

- 7 (1) a description of any relevant projects;
8 (2) the location of each project;
9 (3) the number of colonia residents served by each
10 project;
11 (4) the exact amount spent [~~cost~~] or the anticipated
12 amount to be spent on each colonia served by [~~cost of~~] each project;
13 (5) a statement of whether each project is completed
14 and, if not, the expected completion date of the project; and
15 (6) any other information, as determined appropriate
16 by the secretary of state.

17 (d) The commission shall require an applicant for funds
18 administered by the commission to submit to the commission a
19 colonia classification number, if one exists, for each colonia that
20 may be served by the project proposed in the application. If a
21 colonia does not have a classification number, the commission may
22 contact the secretary of state or the secretary of state's
23 representative to obtain the classification number. On request of
24 the commission, the secretary of state or the secretary of state's
25 representative shall assign a classification number to the colonia.

26 SECTION 18. Subsection (a), Section 43.907, Local
27 Government Code, is amended to read as follows:

1 (a) In this section, "colonia" means a geographic area that
2 consists of 11 or more dwellings that are located in close proximity
3 to each other in an area that may be described as a community or
4 neighborhood and that:

5 (1) [~~that~~] has a majority population composed of
6 individuals and families of low income and very low income, as
7 defined by Section 2306.004, Government Code, and based on the
8 federal Office of Management and Budget poverty index, and that
9 meets the qualifications of an economically distressed area under
10 Section 17.921, Water Code; or

11 (2) [~~that~~] has the physical and economic
12 characteristics of a colonia, as determined by the Texas Department
13 of Housing and Community Affairs.

14 SECTION 19. Chapter 391, Local Government Code, is amended
15 by adding Section 391.00951 to read as follows:

16 Sec. 391.00951. REPORT TO SECRETARY OF STATE. (a) In this
17 section, "colonia" means a geographic area that:

18 (1) is an economically distressed area as defined by
19 Section 17.921, Water Code;

20 (2) is located in a county any part of which is within
21 62 miles of an international border; and

22 (3) consists of 11 or more dwellings that are located
23 in close proximity to each other in an area that may be described as
24 a community or neighborhood.

25 (b) To assist the secretary of state in preparing the report
26 required under Section 405.021, Government Code, the commission on
27 a quarterly basis shall provide a report to the secretary of state

1 detailing any projects funded by the commission that provide
2 assistance to colonias.

3 (c) The report must include:

4 (1) a description of any relevant projects;

5 (2) the location of each project;

6 (3) the number of colonia residents served by each
7 project;

8 (4) the exact amount spent or the anticipated amount
9 to be spent on each colonia served by each project;

10 (5) a statement of whether each project is completed
11 and, if not, the expected completion date of the project; and

12 (6) any other information, as determined appropriate
13 by the secretary of state.

14 (d) The commission shall require an applicant for funds
15 administered by the commission to submit to the commission a
16 colonia classification number, if one exists, for each colonia that
17 may be served by the project proposed in the application. If a
18 colonia does not have a classification number, the commission may
19 contact the secretary of state or the secretary of state's
20 representative to obtain the classification number. On request of
21 the commission, the secretary of state or the secretary of state's
22 representative shall assign a classification number to the colonia.

23 SECTION 20. Section 775.003, Government Code, as added by
24 Chapter 828, Acts of the 79th Legislature, Regular Session, 2005,
25 is repealed.

26 SECTION 21. This Act takes effect immediately if it
27 receives a vote of two-thirds of all the members elected to each

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1 house, as provided by Section 39, Article III, Texas Constitution.
2 If this Act does not receive the vote necessary for immediate
3 effect, this Act takes effect September 1, 2007.