

By: Zaffirini

S.B. No. 99

A BILL TO BE ENTITLED

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. Sections 405.021(a), (c), (d), and (e), 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) is inhabited by 11 or more persons.

(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 Higher Education Coordinating Board, the Texas Commission on Environmental Quality, and any other agency considered appropriate by the secretary of state for purposes of the classification system.

(d) The secretary of state shall compile information on colonias that is received from the colonia ombudspersons

1 ~~[ombudsmen]~~ under Section 775.004.

2 (e) The secretary of state shall:

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

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

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

12 (B) if funds are not appropriated as described by
13 Paragraph (A), December 1, 2008, and December 1 of every fourth year
14 following that date.

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

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

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

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

24 (3) is inhabited by 11 or more persons.

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

1 projects funded by the office that serve colonias by providing
2 water or wastewater services, paved roads, or other assistance.

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 ~~[cost]~~ or the anticipated
9 amount to be spent on each colonia served by ~~[cost of]~~ 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 office may not release project funds unless each
15 political subdivision in which a project is located submits to the
16 office the most recent demographic information relating to each
17 colonia served by the project.

18 SECTION 3. Section 775.001(2), Government Code, is amended
19 to read as follows:

20 (2) "Colonia" means a geographic area that:
21 (A) is an economically distressed area as defined
22 by Section 17.921, Water Code, and is inhabited by 11 or more
23 persons; and

24 (B) is:
25 (i) located in a county any part of which is
26 within 50 miles of an international border; or
27 (ii) located in a county:

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

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

5 SECTION 4. Section 775.003, Government Code, as added by
6 Chapter 708, Acts of the 79th Legislature, Regular Session, 2005,
7 is amended to read as follows:

8 Sec. 775.003. COLONIA OMBUDSPERSON [~~OMBUDSMAN~~] PROGRAM.
9 The colonia initiatives coordinator shall [~~may~~] appoint a colonia
10 ombudsperson [~~ombudsman~~] in:

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

13 (2) each additional county any part of which is within
14 100 miles of an international border and that contains the majority
15 of the area of a municipality with a population of more than
16 250,000.

17 SECTION 5. Section 775.004, Government Code, as added by
18 Chapter 828, Acts of the 79th Legislature, Regular Session, 2005,
19 is amended to read as follows:

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

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

1 (1) the platting of each colonia;
2 (2) the infrastructure of each colonia;
3 (3) the availability of health care services;
4 (4) the availability of financial assistance; and
5 (5) any other appropriate topic as requested by the
6 secretary of state.

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

10 SECTION 6. Section 1403.002(d), Government Code, is amended
11 to read as follows:

12 (d) The commission, in cooperation with the office of the
13 governor, shall:

14 (1) define by rule "border colonia" as a geographic
15 area inhabited by 11 or more persons, subject to any other criteria
16 considered appropriate by the commission and the office of the
17 governor;

18 (2) establish by rule criteria for selecting which
19 areas and which colonia access roadway projects are eligible for
20 assistance under this chapter;

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

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

27 (5) establish by rule grant application procedures;

1 and

2 (6) establish by rule financial reporting
3 requirements for counties that receive assistance for colonia
4 access roadway projects to serve border colonias.

5 SECTION 7. Section 2306.083, Government Code, is amended to
6 read as follows:

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

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

11 (2) is located in a county any part of which is within
12 62 miles of an international border; and

13 (3) is inhabited by 11 or more persons.

14 (b) To assist the secretary of state in preparing the report
15 required under Section 405.021, the board on a quarterly basis
16 shall provide a report to the secretary of state detailing any
17 projects funded by the department 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 ~~cost~~ or the anticipated
25 amount to be spent on each colonia served by ~~cost of~~ 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 department may not release project funds unless each
4 political subdivision in which a project is located submits to the
5 department the most recent demographic information relating to each
6 colonia served by the project.

7 SECTION 8. Section 2306.581(1), Government Code, is amended
8 to read as follows:

9 (1) "Colonia" means a geographic area that is located
10 in a county some part of which is within 150 miles of the
11 international border of this state, that is inhabited by 11 or more
12 persons, and that:

13 (A) has a majority population composed of
14 individuals and families of low income and very low income, based on
15 the federal Office of Management and Budget poverty index, and
16 meets the qualifications of an economically distressed area under
17 Section 17.921, Water Code; or

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

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

22 Sec. 51.9201. ALTERNATIVE TECHNOLOGY FOR COLONIAS. An
23 institution of higher education as defined by Section 61.003 that
24 has a program in the area of community, rural, or urban development
25 shall create partnerships with governmental agencies and counties
26 to implement programs, policies, and strategies to develop
27 alternative technologies to assist colonias that have inadequate

1 water or sewer systems.

2 SECTION 10. Subchapter C, Chapter 61, Education Code, is
3 amended by adding Section 61.0812 to read as follows:

4 Sec. 61.0812. 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;

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

10 (3) is inhabited by 11 or more persons.

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 an institution of higher education
15 that provide assistance to colonias.

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 or the anticipated amount
22 to be spent on each colonia served by 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) An institution of higher education may not release

1 project funds unless each political subdivision in which a project
2 is located submits to the board the most recent demographic
3 information relating to each colonia served by the project.

4 SECTION 11. Subchapter E, Chapter 5, Water Code, is amended
5 by adding Section 5.1781 to read as follows:

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

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

10 (2) is located in a county any part of which is within
11 62 miles of an international border; and

12 (3) is inhabited by 11 or more persons.

13 (b) To assist the secretary of state in preparing the report
14 required under Section 405.021, Government Code, the commission on
15 a quarterly basis shall provide a report to the secretary of state
16 detailing any projects funded by the commission that provide
17 assistance to 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 or the anticipated amount
24 to be spent on each colonia served by 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 commission may not release project funds unless each
3 political subdivision in which a project is located submits to the
4 commission the most recent demographic information relating to each
5 colonia served by the project.

6 SECTION 12. Section 6.1565, Water Code, is amended to read
7 as follows:

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

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

12 (2) is located in a county any part of which is within
13 62 miles of an international border; and

14 (3) is inhabited by 11 or more persons.

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

20 (c) The report must include:

21 (1) a description of any relevant projects;

22 (2) the location of each project;

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

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

27 (5) a statement of whether each project is completed

1 and, if not, the expected completion date of the project; and

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

4 (d) The board may not release project funds unless each
5 political subdivision in which a project is located submits to the
6 board the most recent demographic information relating to each
7 colonia served by the project.

8 SECTION 13. Section 15.001(12), Water Code, is amended to
9 read as follows:

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

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

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

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

21 (D) inhabited by 11 or more persons.

22 SECTION 14. Section 15.951(2), Water Code, is amended to
23 read as follows:

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

25 (A) is an economically distressed area as defined
26 by Section 17.921; ~~and~~

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

1 within 50 miles of an international border; and

2 (C) is inhabited by 11 or more persons.

3 SECTION 15. Section 1001.033, Health and Safety Code, is
4 amended to read as follows:

5 Sec. 1001.033. 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; ~~[and]~~

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

11 (3) is inhabited by 11 or more persons.

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

17 (c) The report must include:

18 (1) a description of any relevant projects;

19 (2) the location of each project;

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

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

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

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

1 (d) The commission may not release project funds unless each
2 political subdivision in which a project is located submits to the
3 commission the most recent demographic information relating to each
4 colonia served by the project.

5 SECTION 16. Section 201.116, Transportation Code, is
6 amended to read as follows:

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

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

11 (2) is located in a county any part of which is within
12 62 miles of an international border; and

13 (3) is inhabited by 11 or more persons.

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

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 ~~cost~~ or the anticipated
25 amount to be spent on each colonia served by ~~cost of~~ 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 may not release project funds unless each
4 political subdivision in which a project is located submits to the
5 commission the most recent demographic information relating to each
6 colonia served by the project.

7 SECTION 17. Section 43.907(a), Local Government Code, is
8 amended to read as follows:

9 (a) In this section, "colonia" means a geographic area that
10 is inhabited by 11 or more persons and that:

11 (1) ~~[that]~~ has a majority population composed of
12 individuals and families of low income and very low income, as
13 defined by Section 2306.004, Government Code, and based on the
14 federal Office of Management and Budget poverty index, and that
15 meets the qualifications of an economically distressed area under
16 Section 17.921, Water Code; or

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

20 SECTION 18. Section 775.003, Government Code, as added by
21 Chapter 828, Acts of the 79th Legislature, Regular Session, 2005,
22 is repealed.

23 SECTION 19. This Act takes effect immediately if it
24 receives a vote of two-thirds of all the members elected to each
25 house, as provided by Section 39, Article III, Texas Constitution.
26 If this Act does not receive the vote necessary for immediate
27 effect, this Act takes effect September 1, 2007.