

By: Lucio III

H.B. No. 1434

A BILL TO BE ENTITLED

AN ACT

relating to the use of money in the watermaster fund.

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

SECTION 1. Section 5.707, Water Code, is amended to read as follows:

Sec. 5.707. TRANSFERABILITY OF APPROPRIATIONS AND FUNDS DERIVED FROM FEES. (a) Except as provided by Subsection (b), notwithstanding [~~Notwithstanding~~] any law that provides specific purposes for which a fund, account, or revenue source may be used and expended by the commission and that restricts the use of revenues and balances by the commission, the commission may transfer a percentage of appropriations from one appropriation item to another appropriation item consistent with the General Appropriations Act for any biennium authorizing the commission to transfer a percentage of appropriations from one appropriation item to another appropriation item. The use of funds in dedicated accounts under this section for purposes in addition to those provided by statutes restricting their use may not exceed seven percent or \$20 million, whichever is less, of appropriations to the commission in the General Appropriations Act for any biennium. A transfer of \$500,000 or more from one appropriation item to another appropriation item under this section must be approved by the commission at an open meeting subject to Chapter 551, Government Code.

1 (b) Money in the watermaster fund may be used only for the
2 purposes provided by Section 11.3291.

3 SECTION 2. Section 11.329(d), Water Code, as amended by
4 Chapters 333 (H.B. 3231) and 696 (S.B. 1406), Acts of the 75th
5 Legislature, Regular Session, 1997, is reenacted to read as
6 follows:

7 (d) The executive director shall collect the assessments
8 and shall account for assessments separately for each water
9 division and shall deposit assessments collected to a special fund
10 known as the watermaster fund established and governed by Section
11 11.3291.

12 SECTION 3. Section 11.3291, Water Code, is amended by
13 amending Subsections (a), (b), and (e) and adding Subsections (b-1)
14 and (f) to read as follows:

15 (a) The watermaster fund is created as a special fund in the
16 state treasury [~~and shall be administered by the commission under~~
17 ~~this subchapter and rules adopted by the commission~~].

18 (b) The money in the [~~legislature hereby appropriates~~
19 ~~without further legislative action any funds deposited in the~~
20 ~~watermaster's fund as provided in this subchapter. The]~~
21 watermaster fund may [~~shall~~] be appropriated only to the commission
22 to pay [~~used~~]:

23 (1) [~~to pay~~] the compensation and expenses of the
24 watermaster in each water division;

25 (2) [~~to pay~~] expenditures for equipment, facilities,
26 and capital expenditures necessary to the watermaster operation
27 when recommended by the watermaster advisory committee and the

1 executive director and approved by the commission when hearings are
2 required as provided in Section 11.329; and

3 (3) [~~to pay into the general revenue fund for use~~
4 ~~without further appropriation for purposes of providing~~] overhead
5 and administrative expenses of the commission in an amount not
6 greater than 10 percent times the approved annual budget under this
7 subchapter in a water division.

8 (b-1) Any amounts not used in one fiscal year shall be
9 carried over and may be used for:

10 (1) the following fiscal year's operational expenses
11 of the watermaster;

12 (2) updating the water availability model developed
13 under Section 16.053 for the river basin;

14 (3) controlling or eliminating noxious weeds,
15 grasses, or other vegetation in the streams or other sources of
16 supply in the water division; or

17 (4) improving the efficiency of water conveyance
18 systems in the water division.

19 (e) The [~~commission may invest, reinvest, and direct the~~
20 ~~investment of any available~~] money in the watermaster fund may be
21 invested as provided by law for the investment of money under
22 Section 404.024, Government Code.

23 (f) The watermaster fund is exempt from the application of
24 Section 403.095, Government Code.

25 SECTION 4. Section 12.113(b), Water Code, is amended to
26 read as follows:

27 (b) The commission shall deposit all costs collected under

1 Subchapter G, Chapter 11 [~~of this code~~] in the State Treasury to the
2 credit of the watermaster fund [~~administration account~~], from which
3 the commission shall pay all expenses necessary to efficiently
4 administer and perform the duties described in Sections 11.325
5 through 11.335 [~~of this code~~].

6 SECTION 5. The watermaster fund created under Section
7 11.3291, Water Code, as that section existed before amendment by
8 this Act, is re-created and redesignated as a special fund in the
9 state treasury to be used for the purposes provided by Section
10 11.3291, Water Code, as amended by this Act.

11 SECTION 6. This Act takes effect September 1, 2009.