

By: Callegari

H.B. No. 3526

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the adoption of rules by the Texas Water Development  
3 Board regarding supplemental funding resulting from federal  
4 economic recovery legislation.

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

6 SECTION 1. Section 15.604(b), Water Code, is amended to  
7 read as follows:

8 (b) The board shall adopt rules specifying the manner in  
9 which any additional state revolving fund hereafter established by  
10 the board, or any capitalization grant under the state water  
11 pollution control revolving fund, the safe drinking water revolving  
12 fund, or any additional state revolving fund, may be used to provide  
13 financial assistance to an eligible applicant [~~political~~  
14 ~~subdivisions~~] for public works. Such rules shall require financial  
15 assistance to be provided for the purpose or purposes and on the  
16 terms authorized by the federal legislation or federal agency  
17 program under which the additional state revolving fund was  
18 established or the capitalization grant was awarded.

19 SECTION 2. Subchapter J, Chapter 15, Water Code, is amended  
20 by adding Section 15.6055 to read as follows:

21 Sec. 15.6055. RULEMAKING AUTHORITY FOR SPECIAL FEDERAL  
22 CAPITALIZATION GRANTS. (a) The board may adopt rules specifying  
23 the manner in which any special capitalization grant under the  
24 state water pollution control revolving fund, the safe drinking

1 water revolving fund, or any additional state revolving fund  
2 received as a result of federal economic recovery legislation may  
3 be used to provide financial assistance to an eligible applicant  
4 for public works. The rules must require financial assistance to be  
5 provided for the purpose or purposes, and on the terms authorized  
6 by, the federal legislation or federal agency program under which  
7 the additional state revolving fund was established or the special  
8 capitalization grant was awarded.

9 (b) If the board determines that it is necessary to adopt  
10 rules to comply with the terms of a special capitalization grant or  
11 other source of federal funding, and that the procedures prescribed  
12 by Subchapter B, Chapter 2001, Government Code, for adopting rules  
13 do not allow for the adoption of the rules in a sufficiently prompt  
14 manner, the procedures prescribed by that subchapter do not apply  
15 to the adoption of the rules. In that case, the board shall:

16 (1) post notice of a meeting to adopt rules not later  
17 than 72 hours before the time the meeting is scheduled; and

18 (2) adopt the necessary rules at the meeting.

19 (c) The board shall file a rule adopted in the manner  
20 authorized by Subsection (b) and the board's written determinations  
21 made under that subsection in the office of the secretary of state  
22 for publication in the Texas Register in the manner prescribed by  
23 Chapter 2002, Government Code.

24 (d) Not later than the 180th day after the date rules are  
25 adopted under Subsection (b), the board may readopt or amend the  
26 rules in accordance with the procedures prescribed by Subchapter B,  
27 Chapter 2001, Government Code. If the board does not readopt or

1 amend the rules in that manner, the rules expire on the 180th day  
2 after the date the rules were adopted under Subsection (b).

3 (e) This section expires September 1, 2011.

4 SECTION 3. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2009.