

By: Callegari

H.B. No. 3526

A BILL TO BE ENTITLED

1 AN ACT  
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. Section 15.605, Water Code, is amended to read as  
20 follows:

21 Sec. 15.605. RULES. (a) The board shall adopt necessary  
22 rules to carry out this subchapter.

23 (b) If the board determines that it is necessary to adopt  
24 rules to comply with the terms of a capitalization grant or other

1 source of federal funding, and that the procedures prescribed by  
2 Subchapter B, Chapter 2001, Government Code, for adopting rules do  
3 not allow for the adoption of the rules in a sufficiently prompt  
4 manner, the procedures prescribed by that subchapter do not apply  
5 to the adoption of the rules. In that case, the board shall:

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

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

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

14 (d) Not later than the 180th day after the date rules are  
15 adopted under Subsection (b), the board may readopt or amend the  
16 rules in accordance with the procedures prescribed by Subchapter B,  
17 Chapter 2001, Government Code. If the board does not readopt or  
18 amend the rules in that manner, the rules expire on the 180th day  
19 after the date the rules were adopted under Subsection (b).

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