

By: Lucio

S.B. No. 2283

A BILL TO BE ENTITLED

AN ACT

relating to the use of the state participation account of the water development fund.

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

SECTION 1. Section 16.131, Water Code, is amended to read as follows:

Sec. 16.131. AUTHORIZED PROJECTS. The board may use the state participation account of the development fund:

(1) to encourage optimum regional development of projects including the design, acquisition, lease, construction, reconstruction, development, or enlargement in whole or part of:

(A) [~~(1)~~] reservoirs and storm water retention basins for water supply, flood protection, and groundwater recharge;

(B) [~~(2)~~] facilities for the transmission and treatment of water; and

(C) [~~(3)~~] treatment works as defined by Section 17.001 of this code; and

(2) to acquire water rights or existing public water systems to encourage optimum regional development of desalination projects.

SECTION 2. Section 16.135, Water Code, is amended to read as follows:

Sec. 16.135. BOARD FINDINGS. Before the board may acquire a

1 facility or interest in a facility, the board shall find
2 affirmatively that:

3 (1) it is reasonable to expect that the state will
4 recover its investment in the facility;

5 (2) the cost of the facility exceeds the current
6 financing capabilities of the area involved, and the optimum
7 regional development of the facility cannot be reasonably financed
8 by local interests without state participation;

9 (3) the public interest will be served by acquisition
10 of the facility; ~~and~~

11 (4) the facility to be constructed or reconstructed
12 contemplates the optimum regional development which is reasonably
13 required under all existing circumstances of the site; and

14 (5) if appropriate, the facility to be acquired
15 encourages optimum regional development of a desalination project.

16 SECTION 3. This Act takes effect September 1, 2009.