

1-1 By: Lucio S.B. No. 2283  
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read  
1-3 first time and referred to Committee on Natural Resources;  
1-4 May 4, 2009, reported favorably by the following vote: Yeas 10,  
1-5 Nays 0; May 4, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the use of the state participation account of the Texas  
1-9 Water Development Fund.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 16.131, Water Code, is amended to read as  
1-12 follows:

1-13 Sec. 16.131. AUTHORIZED PROJECTS. The board may use the  
1-14 state participation account of the development fund:

1-15 (1) to encourage optimum regional development of  
1-16 projects including the design, acquisition, lease, construction,  
1-17 reconstruction, development, or enlargement in whole or part of:

1-18 (A) ~~(1)~~ reservoirs and storm water retention  
1-19 basins for water supply, flood protection, and groundwater  
1-20 recharge;

1-21 (B) ~~(2)~~ facilities for the transmission and  
1-22 treatment of water; and

1-23 (C) ~~(3)~~ treatment works as defined by Section  
1-24 17.001 of this code; and

1-25 (2) to acquire water rights or existing public water  
1-26 systems to encourage optimum regional development of desalination  
1-27 projects.

1-28 SECTION 2. Section 16.135, Water Code, is amended to read as  
1-29 follows:

1-30 Sec. 16.135. BOARD FINDINGS. Before the board may acquire a  
1-31 facility or interest in a facility, the board shall find  
1-32 affirmatively that:

1-33 (1) it is reasonable to expect that the state will  
1-34 recover its investment in the facility;

1-35 (2) the cost of the facility exceeds the current  
1-36 financing capabilities of the area involved, and the optimum  
1-37 regional development of the facility cannot be reasonably financed  
1-38 by local interests without state participation;

1-39 (3) the public interest will be served by acquisition  
1-40 of the facility; ~~and~~

1-41 (4) the facility to be constructed or reconstructed  
1-42 contemplates the optimum regional development which is reasonably  
1-43 required under all existing circumstances of the site; and

1-44 (5) if appropriate, the facility to be acquired  
1-45 encourages optimum regional development of a desalination project.

1-46 SECTION 3. This Act takes effect September 1, 2009.

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