

1-1 By: Averitt S.B. No. 2311
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 April 15, 2009, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 15, 2009, sent to printer.)

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

1-8 relating to Texas Water Development Board surveys for water
1-9 infrastructure financing.

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

1-11 SECTION 1. Section 15.975, Water Code, is amended by adding
1-12 Subsection (d) to read as follows:

1-13 (d) The board shall not approve an application if the
1-14 applicant has failed to satisfactorily complete a request by the
1-15 executive administrator or a regional planning group for
1-16 information relevant to the project, including a water
1-17 infrastructure financing survey under Section 16.053(q).

1-18 SECTION 2. Section 15.912, Water Code, is amended to read as
1-19 follows:

1-20 Sec. 15.912. CONSIDERATIONS IN ACTING ON APPLICATION.

1-21 (a) In acting on an application for financial assistance, the
1-22 board shall consider:

1-23 (1) the needs of the area to be served by the project
1-24 and the benefit of the project to the area in relation to the needs
1-25 of other areas requiring state assistance in any manner and the
1-26 benefits of those projects to the other areas;

1-27 (2) the availability of revenue to the political
1-28 subdivision or water supply corporation from all sources for any
1-29 necessary repayment of the cost of the project, including all
1-30 interest;

1-31 (3) the relationship of the project to overall
1-32 statewide needs; and

1-33 (4) any other factors that the board considers
1-34 relevant.

1-35 (b) The board may not accept an application for a loan or
1-36 grant of financial assistance from the fund for a project
1-37 recommended through the state and regional water planning processes
1-38 under Sections 16.051 and 16.053 if the applicant has failed to
1-39 satisfactorily complete a request by the executive administrator or
1-40 a regional planning group for information relevant to the project,
1-41 including a water infrastructure financing survey under Section
1-42 16.053(q).

1-43 SECTION 3. Section 16.131, Water Code, is amended to read as
1-44 follows:

1-45 Sec. 16.131. AUTHORIZED PROJECTS. (a) The board may use
1-46 the state participation account of the development fund to
1-47 encourage optimum regional development of projects including the
1-48 design, acquisition, lease, construction, reconstruction,
1-49 development, or enlargement in whole or part of:

1-50 (1) reservoirs and storm water retention basins for
1-51 water supply, flood protection, and groundwater recharge;

1-52 (2) facilities for the transmission and treatment of
1-53 water; and

1-54 (3) treatment works as defined by Section 17.001 [~~of~~
1-55 ~~this code~~].

1-56 (b) The board may not use the state participation account of
1-57 the development fund to finance a project recommended through the
1-58 state and regional water planning processes under Sections 16.051
1-59 and 16.053 if the applicant has failed to satisfactorily complete a
1-60 request by the executive administrator or a regional planning group
1-61 for information relevant to the project, including a water
1-62 infrastructure financing survey under Section 16.053(q).

1-63 SECTION 4. This Act takes effect immediately if it receives
1-64 a vote of two-thirds of all the members elected to each house, as

2-1 provided by Section 39, Article III, Texas Constitution. If this
2-2 Act does not receive the vote necessary for immediate effect, this
2-3 Act takes effect September 1, 2009.

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