By: Averitt S.B. No. 2313

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the water plan projects fund to assist the Texas Water Development Board in the funding of certain projects identified in the state and regional water plans.

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

SECTION 1. Chapter 15, Water Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. WATER PLAN PROJECTS FUND

Sec. 15.431. DEFINITIONS. In this subchapter:

(1) "Bond enhancement agreement" has the meaning assigned by Section 17.954.

(2) "Debt service" means the payment of principal and interest on bonds issued by the board for water projects described by Section 15.432(c).

Sec. 15.432. WATER PLAN PROJECTS FUND. (a) The water plan projects fund is an account within the water infrastructure fund and consists of fees dedicated to the water plan projects fund by the legislature.

(b) The board shall use the water plan projects fund as a source of revenue:

(1) for debt service related to the funding of water projects described by Subsection (c); and

(2) to meet obligations incurred under a bond enhancement agreement in connection with water projects described

by Subsection (c).

(c) The board may use the water plan projects fund as provided by this section for projects authorized under:

(1) Subchapter Q;

(2) Subchapter E, Chapter 16; and

(3) Subchapter K, Chapter 17.

Sec. 15.433. TRANSFER TO TEXAS WATER DEVELOPMENT FUND II. The comptroller shall transfer from the water plan projects fund to the Texas Water Development Fund II money that is to be used for a purpose described by Section 15.432(b) related to a project authorized under:

(1) Subchapter E, Chapter 16, in which case the money shall be deposited into the state participation account under Section 17.957; and

(2) Subchapter K, Chapter 17, in which case the money shall be deposited into the economically distressed areas program account under Section 17.958.

Sec. 15.434. RULES. The board shall adopt rules providing for the use of the water plan projects fund consistent with this subchapter.

SECTION 2. Subsection (b), Section 17.957, Water Code, is amended to read as follows:

(b) The state participation account is composed of:

(1) money and assets attributable to water financial assistance bonds designated by the board as issued for projects described in Section 16.131;

(2) money from the sale, transfer, or lease of a

project described in Subdivision (1) that was acquired, constructed, reconstructed, developed, or enlarged with money from the state participation account;

(3) payments received under a bond enhancement agreement with respect to water financial assistance bonds designated by the board as issued for projects described in Section 16.131;

(4) investment income earned on money on deposit in the state participation account; [~~and~~]

(5) money transferred from the water plan projects fund under Subchapter G, Chapter 15; and

(6) any other funds, regardless of their source, that the board directs be deposited to the credit of the state participation account.

SECTION 3. Subsection (b), Section 17.958, Water Code, is amended to read as follows:

(b) The economically distressed areas program account is composed of:

(1) money and assets attributable to water financial assistance bonds designated by the board as issued for projects described in Subchapter K;

(2) money provided by the federal government, the state, political subdivisions, and private entities for the purpose of paying debt service on water financial assistance bonds issued for purposes provided by Subchapter K;

(3) payments received under a bond enhancement agreement with respect to water financial assistance bonds

designated by the board as issued for purposes provided by Subchapter K;

(4) investment income earned on money on deposit in the economically distressed areas program account; [~~and~~]

(5) money transferred from the water plan projects fund under Subchapter G, Chapter 15; and

(6) any other funds, regardless of their source, that the board directs be deposited to the credit of the economically distressed areas program account.

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