



13MAY26 07 1:23
HOUSE OF REPRESENTATIVES

BY: Brandon Ceigitor

FLOOR AMENDMENT NO. _____

1 Amend C.S.H.B. No. 4 (house committee printing) by adding the
2 following appropriately numbered SECTIONS and renumbering the
3 subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Subchapter A, Chapter 6, Water Code, is
5 amended by adding Section 6.0015 to read as follows:

6 Sec. 6.0015. REFERENCES TO EXECUTIVE ADMINISTRATOR. A
7 reference in this code or other law to the executive administrator
8 means the board.

9 SECTION _____. Section 6.011, Water Code, is amended to read
10 as follows:

11 Sec. 6.011. DECLARATION OF POLICY [~~BOARD AS AGENCY OF~~
12 ~~STATE~~]. The board, as provided by the constitution, this code, and
13 the other laws of this state, is the state agency primarily
14 responsible for:

15 (1) planning for the conservation, management, and
16 development of the water resources in this state; and

17 (2) the administration of financial assistance
18 through programs for the conservation, management, and development
19 of the water resources in this state, including financial
20 assistance for wastewater treatment and flood control projects
21 [water planning and for administering water financing for the
22 state].

23 SECTION _____. Section 6.012(a), Water Code, is amended to
24 read as follows:

25 (a) The board has general jurisdiction over:

26 (1) the development and implementation of a statewide
27 water plan;

28 (2) the administration of the state's various water
29 assistance and financing programs, including those created by the

1 constitution and those created by Subchapters G and H of Chapter 15
2 of this code;

3 (3) the administration of the National Flood Insurance
4 Program; and

5 (4) other areas specifically assigned to the board by
6 this code or other law.

7 SECTION _____. Sections 6.052(a) and (b), Water Code, are
8 amended to read as follows:

9 (a) The board is composed of six members who are appointed
10 by the governor with the advice and consent of the senate. One
11 member must have experience in the field of engineering, two
12 members must have experience in the field of public or private
13 finance, and one member must have experience in the field of law or
14 business.

15 (b) The governor shall make the appointments in such a
16 manner that the members reflect the diverse geographic regions and
17 population groups of this state [~~each member is from a different~~
18 ~~section of the state and has no conflict of interest prohibited by~~
19 ~~state or federal law~~].

20 SECTION _____. Section 6.053(b), Water Code, is amended to
21 read as follows:

22 (b) A person is not eligible for appointment to the board if
23 the person or the person's spouse:

24 (1) is employed by or participates in the management
25 of a business entity or other organization regulated by the board or
26 receiving funds from the board;

27 (2) owns, controls, or has, directly or indirectly,
28 more than a 10 percent interest in a business entity or other
29 organization regulated by the board or receiving funds from the
30 board; [~~or~~]

31 (3) uses or receives a substantial amount of tangible

1 goods, services, or funds from the board; or
2 (4) receives money from a business entity or other
3 organization receiving funds from the board.

4 SECTION _____. Section 6.054, Water Code, is amended by
5 amending Subsection (c) and adding Subsection (d) to read as
6 follows:

7 (c) If a board member or a state employee [~~the executive~~
8 ~~administrator~~] has knowledge that a potential ground for removal
9 exists, the board member or employee [~~executive administrator~~]
10 shall notify the chairman of the board of the potential ground. The
11 chairman of the board shall then notify the governor and the
12 attorney general that a potential ground for removal exists. If the
13 potential ground for removal includes the chairman of the board,
14 the board member or employee [~~executive administrator~~] shall notify
15 the next highest ranking officer of the board, who shall then notify
16 the governor and the attorney general that a potential ground for
17 removal exists.

18 (d) The governor, with the advice and consent of the senate,
19 may remove a board member from office as provided by Section 9,
20 Article XV, Texas Constitution.

21 SECTION _____. Subchapter C, Chapter 6, Water Code, is
22 amended by adding Section 6.0545 to read as follows:

23 Sec. 6.0545. PROHIBITION ON SEEKING ANOTHER OFFICE. (a) A
24 person may not seek nomination or election to another civil office
25 of this state or of the United States while serving as a board
26 member.

27 (b) If a board member files for nomination or election to
28 another civil office of this state or of the United States, the
29 person's office as a board member immediately becomes vacant, and
30 the governor shall appoint a successor.

31 SECTION _____. Section 6.060(a), Water Code, is amended to

1 read as follows:

2 (a) The board shall meet at least once every [~~other~~] month
3 on a day and at a place within the state selected by it, subject to
4 recesses at the discretion of the board. The chairman or two board
5 members may call a special meeting at any time by giving notice to
6 the other members.

7 SECTION _____. The heading to Section 6.062, Water Code, is
8 amended to read as follows:

9 Sec. 6.062. REQUIRED TRAINING AND CONTINUING EDUCATION FOR
10 BOARD MEMBERS.

11 SECTION _____. Section 6.062, Water Code, is amended by
12 amending Subsection (b) and adding Subsections (d), (e), (f), (g),
13 and (h) to read as follows:

14 (b) The staff of the board shall develop the training
15 program. The training program must provide the person with
16 information regarding:

- 17 (1) the legislation that created the board;
- 18 (2) the programs operated by the board;
- 19 (3) the role and functions of the board;
- 20 (4) the rules of the board, with an emphasis on the
21 rules that relate to disciplinary and investigatory authority;
- 22 (5) the current budget for the board;
- 23 (6) the results of the most recent formal audit of the
24 board;
- 25 (7) the requirements of:
 - 26 (A) the open meetings law, Chapter 551,
27 Government Code;
 - 28 (B) the public information law, Chapter 552,
29 Government Code;
 - 30 (C) the administrative procedure law, Chapter
31 2001, Government Code; and

1 (D) other laws relating to public officials,
2 including conflict of interest laws; and

3 (8) any applicable ethics policies adopted by the
4 board or the Texas Ethics Commission.

5 (d) The staff of the board shall develop a continuing
6 education program for board members.

7 (e) To the extent practicable, the entire board shall
8 participate in the continuing education program at the same time.

9 (f) In the first year of a board member's term of office, the
10 member must participate in at least 10 hours of continuing
11 education consisting of a review of the information described by
12 Subsection (b).

13 (g) In each subsequent year of a board member's term of
14 office, the member must participate in at least five hours of
15 continuing education consisting of a review of the information
16 described by Subsection (b).

17 (h) The board shall maintain records of each board member's
18 participation in training and continuing education programs and
19 make the records available to the public on request.

20 SECTION _____. Section 6.151, Water Code, is amended to read
21 as follows:

22 Sec. 6.151. AUDIT. The financial transactions and general
23 operations of the board are subject to audit by the state auditor in
24 accordance with Chapter 321, Government Code.

25 SECTION _____. The heading to Section 6.156, Water Code, is
26 amended to read as follows:

27 Sec. 6.156. REPORTS TO GOVERNOR AND LEGISLATURE.

28 SECTION _____. Subchapter E, Chapter 6, Water Code, is
29 amended by adding Section 6.1566 to read as follows:

30 Sec. 6.1566. REPORT ON IMPLEMENTATION OF STATE WATER PLAN.

31 (a) The board shall prepare an annual report summarizing the

1 board's progress in implementing the current state water plan. The
2 report must include:

3 (1) the total number of applications for financial
4 assistance for projects to implement the current state water plan
5 that have been approved by the board since the plan was adopted and
6 the dollar amount of financial assistance provided;

7 (2) the total number of applications for financial
8 assistance for projects to implement the current state water plan
9 that have been approved by the board since the preceding report
10 regarding the plan was issued, if applicable, and the dollar amount
11 of financial assistance provided;

12 (3) the total amount of water that will be developed,
13 conserved, or reused on completion of the projects described by
14 Subdivision (1);

15 (4) the total amount of water that will be developed,
16 conserved, or reused on completion of the projects described by
17 Subdivision (2), if applicable; and

18 (5) the financial status of the state water
19 implementation fund for Texas.

20 (b) The board shall submit the report to the governor, the
21 lieutenant governor, the speaker of the house of representatives,
22 and each other member of the legislature. The board shall make the
23 report available to the public.

24 SECTION ____ . Subchapter F, Chapter 6, Water Code, is
25 amended by adding Section 6.182 to read as follows:

26 Sec. 6.182. STRATEGIC PLAN. (a) The board shall develop and
27 regularly update a comprehensive strategic plan that specifies the
28 long-term operational and organizational goals and mission of the
29 board.

30 (b) The board shall annually provide copies of the strategic
31 plan to the governor, the lieutenant governor, the speaker of the

1 house of representatives, and each other member of the legislature.

2 SECTION _____. Subchapter B, Chapter 16, Water Code, is
3 amended by adding Sections 16.025 and 16.026 to read as follows:

4 Sec. 16.025. PUBLIC AVAILABILITY OF APPLICATIONS FOR FUNDS
5 FOR PROJECTS INCLUDED IN STATE WATER PLAN. The board shall make
6 available to the public, including in an electronic format through
7 the board's Internet website, each application filed with the board
8 for funds for the implementation of a project that is included in
9 the state water plan.

10 Sec. 16.026. PUBLIC AVAILABILITY OF INFORMATION ON STATUS
11 OF PROJECTS INCLUDED IN STATE WATER PLAN THAT ARE FUNDED BY BOARD.
12 The board shall prepare and make available to the public, including
13 in an electronic format through the board's Internet website,
14 information about the status of each project that is included in the
15 state water plan for which the board provides funds.

16 SECTION _____. Sections 6.001(2) and 6.103, Water Code, are
17 repealed.

18 SECTION _____. The changes in law made by this Act in the
19 qualifications of members of the Texas Water Development Board do
20 not affect the entitlement of a member serving on the board
21 immediately before the effective date of this Act to continue to
22 carry out the board's functions for the remainder of the member's
23 term. The changes in law apply only to a member appointed on or
24 after the effective date of this Act. This Act does not prohibit a
25 person who is a member of the board on the effective date of this Act
26 from being reappointed to the board if the person has the
27 qualifications required for a member under Section 6.052, Water
28 Code, as amended by this Act.