

By: Lucio III

H.B. No. 3137

A BILL TO BE ENTITLED

AN ACT

relating to funding construction of regional water projects;  
authorizing a change in the amount of a fee or assessment imposed by  
the Rio Grande Regional Water Authority.

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

SECTION 1. The heading to Subchapter F, Chapter 15, Water  
Code, is amended to read as follows:

SUBCHAPTER F. RESEARCH, ~~[AND]~~ PLANNING, AND CONSTRUCTION PROGRAM

SECTION 2. Section 15.401, Water Code, is amended to read as  
follows:

Sec. 15.401. PROGRAM CREATION. (a) The research, ~~[and]~~  
planning, and construction program is created to provide money for:

(1) research into and planning of the proper  
conservation, management, and development of the state's water  
resources;

(2) ~~[, — for]~~ regional planning by political  
subdivisions;

(3) ~~[, — for]~~ facility engineering in economically  
distressed areas;

(4) ~~[, — and for]~~ flood control planning by political  
subdivisions; and

(5) constructing a project otherwise described by this  
section.

(b) The program may also provide money for research and

1 planning by Texas political subdivisions related to the proper  
2 conservation, management, and development of water resources of  
3 areas outside Texas if such research or planning will result in  
4 water being available for use in or for the benefit of Texas or will  
5 maintain and enhance the quality of water in Texas.

6 SECTION 3. Subchapter F, Chapter 15, Water Code, is amended  
7 by adding Section 15.408 to read as follows:

8 Sec. 15.408. REGIONAL FACILITY CONSTRUCTION. (a) The  
9 board may enter into contracts with political subdivisions to pay  
10 from the research and planning fund all or part of the cost of  
11 constructing a regional water facility.

12 (b) A political subdivision that desires money from the  
13 research and planning fund for regional water facility construction  
14 shall submit a written application to the board in the manner and  
15 form required by board rules.

16 (c) The application shall include:

17 (1) the name of the political subdivision;

18 (2) a citation to the laws under which the political  
19 subdivision was created and is operating, including specific  
20 citation of all laws providing authority to plan, develop,  
21 construct, and operate regional facilities;

22 (3) the amount of money requested from the board for  
23 regional water facility construction; and

24 (4) any other information required by the board in its  
25 rules or specifically requested by the board.

26 (d) After notice and hearing, the board may award the  
27 applicant all or part of the requested money that is considered

1 necessary by the board for the political subdivision to construct a  
2 regional water facility.

3 (e) If the board grants an application under this section  
4 and awards money for regional water facility construction, the  
5 board shall enter into a contract with the political subdivision  
6 that includes:

7 (1) a detailed statement of the purpose for which the  
8 money is to be used;

9 (2) the total amount of money to be paid from the  
10 research and planning fund under the contract; and

11 (3) any other terms and conditions required by board  
12 rules or agreed to by the contracting parties.

13 (f) The board shall adopt rules establishing criteria of  
14 eligibility for regional water facility construction money that  
15 considers:

16 (1) the relative need of the political subdivision for  
17 the money;

18 (2) the legal authority of the political subdivision  
19 to plan, develop, construct, and operate regional facilities;

20 (3) the effect of a regional water facility  
21 constructed by the political subdivision on overall regional  
22 facility planning, development, and operation in the state and  
23 within the area in which the political subdivision is located; and

24 (4) the degree to which the regional water facility  
25 constructed by the political subdivision is consistent with an  
26 approved regional water plan for the area in which the political  
27 subdivision is located.

1        (g) The board may require that regional water facility plans  
2 developed under contracts entered into under this section be made  
3 available to the commission as provided by board rules.

4        SECTION 4. Sections 4.04(b) and (d), Chapter 385, Acts of  
5 the 78th Legislature, Regular Session, 2003, are amended to read as  
6 follows:

7        (b) Each fiscal year, the board shall determine the amount  
8 of the fee or assessment based on the water rights held by the  
9 affected entity. The board may increase the fee or assessment by  
10 not more than 20 percent in any two-year period. The fee or  
11 assessment may not exceed 15 cents per acre-foot.

12        (d) An initial fee or assessment imposed under this section  
13 may not exceed five cents per acre-foot for each water right held by  
14 the affected entity.

15        SECTION 5. (a) As soon as practicable after the effective  
16 date of this Act, the Texas Water Development Board shall adopt  
17 rules to implement Subchapter F, Chapter 15, Water Code, as amended  
18 by this Act.

19        (b) The changes in law made by this Act apply only to a fee  
20 or assessment that is imposed by the Rio Grande Regional Water  
21 Authority on or after the effective date of this Act. A fee or  
22 assessment that is imposed before the effective date of this Act is  
23 governed by the law in effect when the fee or assessment was  
24 imposed, and the former law is continued in effect for that purpose.

25        SECTION 6. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this  
2 Act takes effect September 1, 2013.