

BILL ANALYSIS

Senate Research Center

S.B. 2314
By: Averitt
Natural Resources
8/3/2009
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 2314 amends current law relating to the adoption of rules by the Texas Water Development Board (TWDB) regarding supplemental funding resulting from federal economic recovery legislation.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Water Development Board (TWDB) is modified in SECTION 1 (Section 15.604, Water Code) of this bill.

Rulemaking authority is expressly granted to TWDB in SECTION 2 (Section 15.6055, Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 15.604(b), Water Code, as follows:

(b) Requires the Texas Water Development Board (TWDB) to adopt rules specifying the manner in which any additional state revolving fund hereafter established by TWDB, or any capitalization grant under the state water pollution control revolving fund, the safe drinking water revolving fund, or any additional state revolving fund, may be used to provide financial assistance to an eligible applicant, rather than political subdivisions, for public works. Requires that such rules require financial assistance be provided for the purpose or purposes and on the terms authorized by the federal legislation or federal agency program under which the additional state revolving fund was established or the capitalization grant was awarded.

SECTION 2. Amends Subchapter J, Chapter 15, Water Code, by adding Section 15.6055, as follows:

Sec. 15.6055. RULEMAKING AUTHORITY FOR SPECIAL FEDERAL CAPITALIZATION GRANTS. (a) Authorizes TWDB to adopt rules specifying the manner in which any special capitalization grant under the state water pollution control revolving fund, the safe drinking water revolving fund, or any additional state revolving fund received as a result of federal economic recovery legislation may be used to provide financial assistance to an eligible applicant for public works. Requires that the rules require financial assistance to be provided for the purpose or purposes, and on the terms authorized by, the federal legislation or federal agency program under which the additional state revolving fund was established or the special capitalization grant was awarded.

(b) Provides that if TWDB determines that it is necessary to adopt rules to comply with the terms of a special capitalization grant or other source of federal funding, and that the procedures prescribed by Subchapter B (Rulemaking), Chapter 2001 (Administrative Procedure), Government Code, for adopting rules do not allow for the adoption of the rules in a sufficiently prompt manner, the procedures prescribed by that subchapter do not apply to the adoption of the rules. Requires TWDB, in that case, to post notice of a meeting to adopt rules not later than 72 hours before the time the meeting is scheduled and adopt the necessary rules at the meeting.

(c) Requires TWDB to file a rule adopted in the manner authorized by Subsection (b) and TWDB's written determinations made under that subsection in the office of the secretary of state for publication in the Texas Register in the manner prescribed by Chapter 2002 (Texas Register and Administrative Code), Government Code.

(d) Authorizes TWDB, not later than the 180th day after the date rules are adopted under Subsection (b), to readopt or amend the rules in accordance with the procedures prescribed by Subchapter B, Chapter 2001, Government Code. Provides that if TWDB does not readopt or amend the rules in that manner, the rules expire on the 180th day after the date the rules were adopted under Subsection (b).

(e) Provides that this section expires September 1, 2011.

SECTION 3. Effective date: upon passage or September 1, 2009.