(1) the name of the political subdivision or nonprofit organization, the names of the political subdivision’s authorized representative or the nonprofit organization’s principal officers, and verification of the nonprofit organization’s 501(c)(3) status;

(2) a description of the project area, the anticipated number of water and wastewater connections to be made, and the anticipated number of colonia residents to be served;

(3) a description of the existing water and wastewater facilities in the colonia;

(4) a description of the project and the aspect of the project for which the grant will be used;

(5) a description of the anticipated participation in the project by residents of the colonia;

(6) the estimated total cost of both the project and the aspect of the project for which the grant will be used;

(7) the amount of the grant that is requested from the account and the sources of funding for the entire project;

(8) from a retail public utility authorized to provide water or wastewater services to the colonia, a resolution in which the retail public utility:

(A) agrees to inspect the project during and after construction to ensure the adequacy of the project; and

(B) commits to provide the water or wastewater services that the project intends to use; and

(9) any other information required by the board.

SECTION 5. Section 15.956, Water Code, is amended to read as follows:

Sec. 15.956. BOARD CONSIDERATIONS IN EVALUATING GRANT APPLICATION. In evaluating an application for a grant under the program, the board shall consider:

(1) the number of colonia residents to be served by the self-help project;

(2) the capability of the political subdivision or nonprofit organization to complete the self-help project in a timely manner;

(3) the quality and character of any projects previously completed by the applicant; and

(4) the commitment demonstrated by the retail public utility to provide water or wastewater services to the colonia on completion of the project.

SECTION 6. Section 15.959, Water Code, is repealed.

SECTION 7. 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.

Passed the Senate on April 21, 2009: Yeas 30, Nays 0; passed the House on May 6, 2009: Yeas 96, Nays 48, two present not voting.

Approved May 19, 2009.

Effective September 1, 2009.

CHAPTER 61

S.B. No. 1373

AN ACT

relating to the operation and continuation of the law authorizing the issuance of oversize or overweight vehicle permits by certain port authorities.

Be it enacted by the Legislature of the State of Texas:

ARTICLE 1. AMENDMENT OF SUBCHAPTER K, CHAPTER 623, BEFORE EXPIRATION

SECTION 1.01. Subsection (b), Section 623.214, Transportation Code, is amended to read as follows:

105
(b) Fees collected under Subsection (a), less administrative costs, shall be used solely to provide funds for the maintenance and improvement of state highways subject to this subchapter. The fees, less administrative costs, which may not exceed 15 percent of the fees collected, may be retained by the port authority. The fees, less administrative costs, shall be deposited in the State Highway Fund [6].

SECTION 1.02. Subsection (a), Section 623.215, Transportation Code, is amended to read as follows:

(a) A permit issued under this subchapter must include:

(1) the name of the applicant;

(2) the date of issuance;

(3) the signature of the director of the port authority;

(4) a statement of the kind of cargo being transported under the permit [over State Highways 48 and 4 between the Gateway International Bridge and the entrance to the Port of Brownsville, or over State Highways 48 and 4 and United States Highways 77 and 83 between Veterans International Bridge at Los Tomates and the entrance to the Port of Brownsville], the maximum weight and dimensions of the equipment, and the kind and weight of each commodity to be transported provided the gross weight of such equipment and commodities shall not exceed 125,000 pounds;

(5) a statement of any condition on which the permit is issued;

(6) a statement of the route designated under Section 623.219 [that the cargo shall be transported over the most direct route from the Gateway International Bridge to the Port of Brownsville, or over United States Highway 77 and 83 between Veterans International Bridge at Los Tomates and the entrance to the Port of Brownsville using State Highways 48 and 4 or United States Highways 77 and 83];

(7) the name of the driver of the vehicle in which the cargo is to be transported; and

(8) the location where the cargo was loaded.

SECTION 1.03. Section 623.219, Transportation Code, is amended to read as follows:

Sec. 623.219. ROUTE DESIGNATION [EXPIRATION]. (a) The commission shall, with the consent of the port authority, designate the most direct route from the Gateway International Bridge to the Port of Brownsville using State Highways 48 and 4 or United States Highways 77 and 83.

(b) If the commission designates a route or changes the route designated under this section, the commission shall notify the port authority of the route not later than the 60th day before the date that the designation takes effect [This subchapter expires June 1, 2009].

SECTION 1.04. Section 623.213, Transportation Code, is repealed.

ARTICLE 2. REENACTMENT AND AMENDMENT OF SUBCHAPTER K, CHAPTER 623, AFTER EXPIRATION

SECTION 2.01. Subchapter K, Chapter 623, Transportation Code, is reenacted and amended to read as follows:

SUBCHAPTER K. PORT AUTHORITY PERMITS

Sec. 623.210. OPTIONAL PROCEDURE. This subchapter provides an optional procedure for the issuance of a permit for the movement of oversize or overweight vehicles carrying cargo on state highways located in counties contiguous to the Gulf of Mexico or a bay or inlet opening into the gulf and bordering the United Mexican States.

Sec. 623.211. DEFINITION. In this subchapter, "port authority" means a port authority created or operating under Section 52, Article III, or Section 59, Article XVI, Texas Constitution.
Sec. 623.212. PERMITS BY PORT AUTHORITY. The department may authorize a port authority to issue permits for the movement of oversize or overweight vehicles carrying cargo on state highways located in counties contiguous to the Gulf of Mexico or a bay or inlet opening into the gulf and bordering the United Mexican States.

Sec. 623.213. MAINTENANCE CONTRACTS. A port authority issuing permits under this subchapter shall make payments to the department to provide funds for the maintenance of state highways subject to this subchapter.

[Sec. 623.214.] PERMIT FEES. (a) A port authority may collect a fee for permits issued under this subchapter. The fees may not exceed $80 per trip.

(b) Fees collected under Subsection (a), less administrative costs, shall be used solely to provide funds for the maintenance and improvement of state highways subject to this chapter. The administrative costs, which may not exceed 15 percent of the fees collected, may be retained by the port authority.

Sec. 623.215. PERMIT REQUIREMENTS. (a) A permit issued under this subchapter must include:

(1) the name of the applicant;

(2) the date of issuance;

(3) the signature of the director of the port authority;

(4) a statement of the kind of cargo being transported under the permit [over State Highways 48 and 4 between the Gateway International Bridge and the entrance to the Port of Brownsville, or over State Highways 48 and 4 and United States Highways 77 and 83 between Veterans International Bridge at Los Tomates and the entrance to the Port of Brownville], the maximum weight and dimensions of the equipment, and the kind and weight of each commodity to be transported provided the gross weight of such equipment and commodities shall not exceed 125,000 pounds;

(5) a statement of any condition on which the permit is issued;

(6) a statement of the route designated under Section 623.218 [that the cargo shall be transported over the most direct route from the Gateway International Bridge or the Veterans International Bridge at Los Tomates to the entrance of the Port of Brownville using State Highways 48 and 4 or United States Highways 77 and 83];

(7) the name of the driver of the vehicle in which the cargo is to be transported; and

(8) the location where the cargo was loaded.

(b) A port authority shall report to the department all permits issued under this subchapter.

Sec. 623.215 [623.216]. TIME OF MOVEMENT. A permit issued under this subchapter shall specify the time in which movement authorized by the permit is allowed.

Sec. 623.216 [623.217]. SPEED LIMIT. Movement authorized by a permit issued under this subchapter shall not exceed the posted speed limit or 55 miles per hour, whichever is less. Violation of this provision shall constitute a moving violation.

Sec. 623.217 [623.218]. ENFORCEMENT. The Department of Public Safety shall have authority to enforce the provisions of this subchapter.

Sec. 623.218 [623.219]. ROUTE DESIGNATION [EXPIRATION]. (a) The commission shall, with the consent of the port authority, designate the most direct route from the Gateway International Bridge or the Veterans International Bridge at Los Tomates to the entrance of the Port of Brownville using State Highways 48 and 4 or United States Highways 77 and 83 or using United States Highway 77 and United States Highway 83, East Loop Corridor, and State Highway 4.

(b) If the commission designates a route or changes the route designated under this section, the commission shall notify the port authority of the route not later than the 60th day before the date that the designation takes effect. [This subchapter expires June 1, 2009].
ARTICLE 3. TRANSITION AND EFFECTIVE DATE PROVISIONS

SECTION 3.01. A vehicle for which a permit is issued under Subchapter K, Chapter 623, Transportation Code, before the date that a route designated by the Texas Transportation Commission under Section 623.219, Transportation Code, as amended by this Act, takes effect must use the route specified in Subdivision (6), Subsection (a), Section 623.215, Transportation Code, as that section existed immediately before the effective date of this Act, and that section continues in effect for that purpose.

SECTION 3.02. (a) Article 1 of this Act takes effect only if this Act takes effect before June 1, 2009.

(b) Subchapter K, Chapter 623, Transportation Code, as reenacted and amended by Article 2 of this Act, takes effect only if this Act takes effect on or after June 1, 2009.

SECTION 3.03. 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.

Passed the Senate on April 9, 2009: Yeas 31, Nays 0; the Senate concurred in House amendment on May 8, 2009: Yeas 30, Nays 0; passed the House, with amendment, on May 5, 2009: Yeas 144, Nays 0, one present not voting.

Approved May 19, 2009.

Effective May 19, 2009.

CHAPTER 62

S.B. No. 1658

AN ACT relating to an increase in the fee for natural gas pipeline safety inspections.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (d), Section 121.211, Utilities Code, is amended to read as follows:

(d) The commission may assess each operator of a natural gas distribution system subject to this chapter an annual inspection fee not to exceed one dollar [50-cents] for each service line reported by the system on the Distribution Annual Report, Form RSPA F7100.1-1, due on March 15 of each year. The fee is due March 15 of each year.

SECTION 2. This Act takes effect September 1, 2009.

Passed the Senate on April 9, 2009: Yeas 31, Nays 0; passed the House on May 5, 2009: Yeas 144, Nays 0, one present not voting.

Approved May 19, 2009.

Effective September 1, 2009.

CHAPTER 63

S.B. No. 1711

AN ACT relating to the use of reservoirs for sediment control or to satisfy certain environmental and safety requirements at surface mining operations.

Be it enacted by the Legislature of the State of Texas:

108