

## **BILL ANALYSIS**

Senate Research Center  
76R11415 PAM/CAG/DB-D

C.S.S.B. 1421  
By: Lucio  
Border Affairs - Special  
4/7/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, the Texas Water Development Board is the only state agency with statutory authority to ensure the delivery of water and wastewater services to colonias, and it is the only agency with appropriated state funds to finance the construction of colonia infrastructure projects. The needs of the 392,000 colonia residents include clean water and adequate sewer systems. C.S.S.B. 1421 would establish provisions regarding the regulation of the subdivision or development of land in certain economically distressed areas, including colonias, and certain other areas, and would provide certain penalties.

### **PURPOSE**

As proposed, C.S.S.B. 1421 regulates the subdivision or development of land in certain economically distressed areas, including colonias, and certain other areas; provides certain penalties.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the commissioners court in SECTION 25 (Section 232.092(c), Local Government Code); to the planning commission in SECTION 25 (Section 232.095(e), Local Government Code); to the Texas Water Commission in SECTION 28 (Section 5.124(b), Water Code) and SECTION 30 (Section 13.241(e), Water Code); and to the Texas Water Development Board in SECTIONS 33 (Section 15.407(d), Water Code) and SECTION 34 (Section 16.343(a), Water Code).

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 103.001, Local Government Code, to require a municipality subject to Section 16.356, Water Code, to include in its financial statement a specific report on compliance with that section. Makes a conforming change.

SECTION 2. Amends Section 212.012, Local Government Code, to provide that the prohibition established by Subsection (a) applies only to certain conditions including a water supply or sewer service corporation organized and operating under Chapter 67, Water Code. Provides that an entity may serve or connect land with water, sewer, electricity, gas, or other utility service regardless of whether the entity is presented with or otherwise holds a certificate applicable to the land issued under Section 212.0115 if certain conditions exist. Authorizes a person requesting service to obtain a certificate only if the person provides to the municipal authority responsible for approving plats an affidavit that states the property was not sold or conveyed to that person from a subdivider or the subdivider's agent after September 1, 1995. Makes conforming changes.

SECTION 3. Amends the heading to Chapter 232B, Local Government Code, as follows:

#### **SUBCHAPTER B. SUBDIVISION PLATTING REQUIREMENTS IN COUNTY NEAR INTERNATIONAL BORDER**

SECTION 4. Amends Section 232.021, Local Government Code, to redefine "flood plain" and "utility." Deletes the definition of "affected county." Makes conforming and nonsubstantive changes.

SECTION 5. Amends Section 232.022, Local Government Code, to provide that this subchapter applies only to a county any part of which is located within 50 miles of an international border. Establishes that this subchapter applies only to land that is subdivided into two, rather than four, or more lots that are intended primarily for residential use in the jurisdiction of the county. Deletes text regarding land outside the extraterritorial jurisdiction of municipalities. Makes a conforming change.

SECTION 6. Amends Section 232.023(a), Local Government Code, to make conforming changes.

SECTION 7. Amends Section 232.024, Local Government Code, by adding Subsection (d), to authorize the commissioners court of the county in which the land is located to establish a planning commission. Provides that the planning commission is subject to the same provisions applicable to the commissioners court.

SECTION 8. Amends Section 232.026(c), Local Government Code, to make conforming changes.

SECTION 9. Amends Section 232.029, Local Government Code, by amending Subsections (c), (d), and (e), and by adding Subsection (f), and relettering Subsections (f)-(i) as Subsections (g)-(j), to make conforming changes.

SECTION 10. Amends Section 232.030(b), Local Government Code, to make conforming changes.

SECTION 11. Amends Chapter 232B, Local Government Code, by adding Section 232.0305, as follows:

Sec. 232.0305. COUNTY INSPECTOR. Authorizes the commissioners court to impose a fee on a subdivider of a property to ensure compliance with subdivision regulations adopted under this subchapter. Authorizes fees under this subsection to be used only to fund inspections conducted under this section.

SECTION 12. Amends Section 232.035(b), Local Government Code, to make conforming changes.

SECTION 13. Amends Section 232.037(a), Local Government Code, to make conforming changes.

SECTION 14. Amends Section 232.037, Local Government Code, to provide that this subchapter is subject to the applicable enforcement provisions prescribed by certain sections of the Water Code.

SECTION 15. Amends Section 232.038, Local Government Code, to make conforming changes.

SECTION 16. Amends Section 232.039(a), Local Government Code, to make conforming changes.

SECTION 17. Amends Section 232.040(c), Local Government Code, to delete text regarding purchasing a lot through a contract for deed.

SECTION 18. Amends the heading to Section 232.042, Local Government Code, as follows:

Sec. 232.042. New heading: VARIANCES FROM REPLATTING REQUIREMENTS

SECTION 19. Amends Chapter 232B, Local Government Code, by adding Section 232.043, as follows:

Sec. 232.043. VARIANCES FROM PLATTING REQUIREMENTS. Authorizes the commissioners court of a county to grant certain conditions, on the request of a subdivider who created an unplatted subdivision or a resident purchaser of a lot in the subdivision, regarding delay or variance from compliance. Provides that if the commissioners court makes a written finding that the subdivider who created the unplatted subdivision no longer owns the property in the subdivision, the commissioners court may grant a delay or variance under this section only if certain conditions exist regarding the subdivision and its lots. Provides that if the commissioners court makes a written finding that the subdivider who created the unplatted subdivision owns property in the subdivision, the commissioners court may grant a provisional delay or variance only if the requirements of Subsection (b) are satisfied. Authorizes the commissioners court to issue a final grant of the delay or variance only if, before the 91st day after the date the commissioners court submits the record of its proceedings to the attorney general, the commissioners court fulfills certain conditions. Sets forth requirements for the commissioners court, if the commissioners court grants a delay or variance. Provides that the failure of the attorney general to comment or object to a delay or variance does not constitute a waiver of or consent to the validity of the delay or variance granted. Establishes that this section does not affect a civil suit filed against, a criminal prosecution of, or the validity of a penalty imposed on a subdivider for a violation of law, regardless of the date on which the violation occurred.

SECTION 20. Amends the heading to Chapter 232C, Local Government Code, as follows:

SUBCHAPTER C. New heading: SUBDIVISION PLATTING REQUIREMENTS IN CERTAIN  
ECONOMICALLY DISTRESSED COUNTIES

SECTION 21. Amends Section 232.071, Local Government Code, to establish that this subchapter applies only to the subdivision of land located in certain municipalities or counties.

SECTION 22. Amends Section 232.073, Local Government Code, to provide that the planning commission, including its findings and decisions, is subject to the same provisions applicable to the commissioners court under this subchapter.

SECTION 23. Amends Chapter 232C, Local Government Code, by adding Section 232.0755, as follows:

Sec. 232.0775. COUNTY INSPECTOR. Authorizes the commissioners court to impose a fee on a subdivider of property for an inspection of the property to insure compliance with adopted regulations. Authorizes fees collected to be used to fund inspections conducted under this section.

SECTION 24. Amends Section 232.080, Local Government Code, by adding Subsection (c), to provide that this subchapter is subject to the applicable enforcement provisions prescribed by certain sections of the Water Code.

SECTION 25. Amends Chapter 232, Local Government Code, by adding Subchapter D, as follows:

SUBCHAPTER D. COUNTY PLANNING COMMISSION

Sec. 232.091. APPLICABILITY. Sets forth counties to which this chapter applies.

Sec. 232.092. ESTABLISHMENT AND ABOLITION OF PLANNING COMMISSION. Authorizes the commissioners court by order to promote the general public welfare, to establish or abolish a planning commission.

Sec. 232.093. APPOINTMENT OF MEMBERS OF PLANNING COMMISSION. Authorizes the commissioners court to appoint a five-member planning commission, the members of which are appointed for staggered two-year terms. Requires members of the planning commission to be citizens and reside in the United States. Requires the commissioners court to file a certificate of appointment for each member with the county clerk. Requires the commissioners court to fill any vacancy on the commission. Sets forth requirements for members, before a planning commission member undertakes the duties of office. Provides that the members of the planning commission serve at the will of the commissioners court and are subject to removal.

Sec. 232.094. FINANCIAL DISCLOSURE. Requires a member of the planning commission to file a financial disclosure report in the same manner as required for county officers.

Sec. 232.095. OFFICERS, QUORUM, AND MEETINGS. Requires the planning commission to elect a presiding officer and assistant presiding officer at the first meeting of each calendar year. Provides that the presiding officer presides over meetings and executes all required documentation. Provides that the assistant presiding officer represents the presiding officer in the presiding officer's absence. Establishes that there is no limit on the number of terms a member may serve on the commission. Requires the minutes of the planning commission's proceedings to be filed with the county clerk or person designated by the commissioners court. Provides that the minutes of the meetings are a public record. Provides that the planning commission is subject to Chapters 551 and 552, Government Code. Authorizes the planning commission to adopt rules necessary to administer this subchapter. Provides that rules established under this section are subject to approval by the commissioners court.

Sec. 232.096. TIMELY APPROVAL OF PLATS. Requires the planning commission to issue a written list of documentation and other information that must be submitted with the plat application. Requires the documentation or other information to relate to a requirement authorized by law. Sets forth requirements of notification for the applicant from the planning

commission regarding an incomplete plat application. Provides that an application is considered to be complete on the date all of the required materials are received from the planning commission. Sets forth requirements and time period under which a planning commission is authorized to approve a plat. Provides that the planning commission may not compel an applicant to waive the prescribed time limits. Sets forth alternatives regarding a court order for an applicant, if the planning commission fails to take final action on an application. Requires the planning commission, if the plat is approved, to fulfill certain conditions within a prescribed 20-day period. Sets forth conditions regarding the approval of a plat and the review of the approved plat by the commissioners court upon request of a county commissioner. Authorizes the commissioners court to disapprove the plat, if the plat fails to comply with certain laws and regulations. Provides that if the commissioners court does not take action within a 30-day period the decision of the planning commission is final. Defines “business day.”

Sec. 232.097. REASONS FOR DISAPPROVAL OF PLAT REQUIRED. Provides that if the planning commission refuses to approve a plat, the planning commission shall provide to the person requesting approval a notice specifying reasons for disapproval.

SECTION 26. Amends Sections 242.001(a) and (c), Local Government Code, to make conforming changes.

SECTION 27. Amends Section 12.002(d), Property Code, to make conforming changes.

SECTION 28. Amends Chapter 5D, Water Code, by adding Section 5.124, as follows:

Sec. 5.124. AUTHORITY TO AWARD GRANTS. Authorizes the executive director to award grants, with the consent of the Texas Water Commission (TWC), for any purpose regarding resource conservation or environmental protection in accordance with this section. Requires TWC, by rule, to establish procedures for awarding a grant, for making any determination related to awarding a grant, and for making grant payments. Sets forth activities and requirements under which a grant may be awarded under this section. Authorizes a grant to be awarded to any person who meets the eligibility requirements of the grant. Provides that the executive director shall make requirements for and method of selection of participants for a grant. Sets forth requirements and criterion by which an application is accepted and evaluated. Provides that a grant may be made by direct award only if it fulfills certain requirements. Establishes provisions regarding the solicitation of a partner for a joint application for a federal grant. Requires the executive director to publish information regarding a solicitation related to a grant being awarded under this section. Authorizes TWC to use certain funds for a grant awarded under this section.

SECTION 29. Amends Section 13.002(26), Water Code, to redefine “affected county.”

SECTION 30. Amends Section 13.241, Water Code, by adding Subsection (e), to authorize the commission, by rule, to develop a standardized method for determining which of two or more retail public utilities or water supply or sewer service corporations that apply for a certificate of public convenience and necessity to provide utilities to certain uncertified economically distressed areas is more capable of providing service. Defines “economically distressed area.”

SECTION 31. Amends Section 13.246, Water Code, by amending Subsection (e) and adding Subsections (f) and (g), to require TWC to consider certain factors regarding the efforts of an applicant. Sets forth consideration of and approval by TWC for a certificate regarding the allowance of public utilities in economically distressed areas in which there are two or more applicants. Defines “economically distressed area.” Makes conforming changes.

SECTION 32. Amends Section 13.381, Water Code, to establish conditions regarding a certificate for providing utilities in economically distressed areas that is denied. Makes conforming changes.

SECTION 33. Amends Section 15.407, Water Code, by adding Subsections (c) and (d), relettering existing subsections, and adding a new Subsection (j), to provide that the selection process used to procure necessary engineering services is subject to review by and approval of the executive administrator. Authorizes the executive administrator to assist a political subdivision in the selection of the provider of engineering services necessary for facility engineering in economically distressed areas. Requires the Texas Water Development Board (TWDB) to adopt rules governing the procurement of facility engineering

services by a political subdivision awarded funds under this subchapter, and may adopt rules necessary to carry out the board's powers and duties under this subchapter. Authorizes TWDB to terminate the contract with the political subdivision and to perform or contract for facility engineering in the economically distressed areas, if problems occur regarding inadequate or incomplete planning activities being completed in a timely manner. Makes conforming changes.

SECTION 34. Amends Section 16.343(a), Water Code, to require TWDB, rather than the Texas Natural Resource Conservation Commission (TNRCC), to prepare and adopt model rules to assure minimum standards for safe and sanitary water supply and sewer services in certain areas, after consultation with the attorney general and TNRCC.

SECTION 35. Amends Section 16.345(b), Water Code, to authorize an affected county or another political subdivision to issue certain bonds. Makes conforming changes.

SECTION 36. Amends Chapter 16J, Water Code, by adding Sections 16.352-16.3545, as follows:

Sec. 16.352. ENFORCEMENT OF RULES. Provides that a person who violates rules is liable to the municipality or county for a civil penalty of not less than \$500 and not more than \$1,000 for each violation and for each day of a violation. Provides that the maximum daily fine that may accrue is \$5,000. Authorizes the appropriate attorney representing the municipality or county to sue so as to collect the penalty. Require the recovered penalty to be deposited in the general fund of the municipality or county.

Sec. 16.353. INJUNCTION. Authorizes certain attorneys to apply to a district court to grant the state or the political subdivision an appropriate prohibitory or mandatory order. Provides that an injunction issued under this section may be issued without the requirement of a bond or other undertaking.

Sec. 16.3535. DAMAGES. Authorizes the attorney to apply to a district court for monetary damages, which the court may grant, for the cost of enforcing certain subchapters.

Sec. 16.354. ATTORNEY GENERAL ENFORCEMENT. Sets forth provisions for which an attorney general is authorized to file a suit, in addition to the ability of any political subdivision to enforce this subchapter.

Sec. 16.3545. VENUE. Sets forth the district courts in which a suit brought under this subchapter for injunctive relief or the recovery of a civil penalty may be brought.

SECTION 37. Amends Chapter 16J, Water Code, by adding Section 16.356, as follows:

Sec. 16.356. USE OF REVENUE FROM OPERATION OF WATER SUPPLY OR SEWER SERVICE PROJECTS. Prohibits a political subdivision that receives financial assistance from the economically distressed areas program from using any revenue received from certain fees collected from the economically distressed areas program account for purposes other than utility purposes. Authorizes the attorney general to file suit to enjoin an actual threatened violation of this section, at the request of TWDB or the attorney general's own initiative.

SECTION 38. Amends Section 17.927(b), Water Code, to require in an application and plan the inclusion of, on request of TWDB, a written determination from TNRCC on the managerial, financial, and technical capacity of the applicant to operate the system for which financial assistance is being requested. Makes a conforming change.

SECTION 39. Amends Sections 17.930(b) and (c), Water Code, to require TWDB by resolution, after making the provided considerations, to establish conditions regarding approval or denial of an application or plan. Makes conforming changes.

SECTION 40. Amends Section 26.001(20), Water Code, to redefine "affected county."

SECTION 41. Amends Section 26.001(26), Water Code, to make conforming changes.

SECTION 42. Amends Title 7, Government Code, by adding Chapter 775, as follows:

CHAPTER 775. COORDINATION OF COLONIA INITIATIVES

Sec. 775.001. DEFINITIONS. Defines “agency” and “colonia.”

Sec. 775.002. INTERAGENCY COORDINATION OF COLONIA INITIATIVES. Authorizes the governor to designate an agency to act as the state’s colonia initiatives coordinator (coordinator). Requires the coordinator to coordinate colonia initiatives within the agency and with other agencies and local officials involved in colonia projects in the state. Authorizes the coordinator to work with the other agencies and local officials involved in colonia projects in the state to fulfill certain conditions. Sets forth agencies required to designate an officer or employee of the agency to serve as the agency’s liaison for colonia initiatives. Requires each agency’s liaison to be a deputy executive director or a person of equivalent or higher authority at the agency. Provides that this section does not authorize the creation of a new position for colonia coordination at a state agency.

Sec. 775.003. COLONIA OMBUDSMAN PROGRAM. Authorizes the coordinator to appoint a colonia ombudsman in each of the six border counties that the coordinator determines to have the largest colonia population.

SECTION 43. Amends Section 3, Article 6243-101, V.T.C.S. (The Plumbing License Law), to set forth geographic areas regarding plumbing work done through an organization licensed or certified by TWDB that participates in a self-help project maintained by the Texas Department of Housing and Community Affairs or TWDB.

SECTION 44. Requires the agencies designated by Section 775.002(d), Government Code, to designate an officer or employee to serve as that agency’s colonia initiative liaison, on or before November 1, 1999.

SECTION 45. (a) Makes application of this Act prospective.

(b) Provides that the changes in law made by Section 5.124, Water Code, do not affect the validity of or apply to a grant TNRCC made before the effective date of this Act.

(c) Authorizes the commission to award a grant that, on the effective date, is being considered under, or for which a solicitation for proposals has been issued or an application has been received under, certain authority other than Section 5.124, Water Code, as added by this Act.

SECTION 46. Makes application of Sections 13.241, 13.246, and 13.381, Water Code of this Act prospective.

SECTION 47. Provides that the changes in law made by this Act to Sections 15.407, 17.927, and 17.930, Water Code, apply only to an application that is pending before or submitted to TWDB on or after September 1, 1999, and a contract under Section 15.407, Water Code, regardless of the date the contract was made.

SECTION 48. Makes application of Section 16.352, Water Code, of this Act prospective.

SECTION 49. Makes application of Section 16.356, Water Code, of this Act prospective.

SECTION 50. Effective date: September 1, 1999.

SECTION 51. Emergency clause.

**SUMMARY OF COMMITTEE CHANGES**

SECTION 1.

Amends Section 103.001, Local Government Code, to require a municipality subject to Section 16.356, Water Code, to include in its financial statement a specific report on compliance with that

section. Makes a conforming change.

#### SECTION 2.

Amends Section 212.012, Local Government Code, regarding certain prohibitions relating to the connection of utilities for an entity without a certificate applicable to the land.

#### SECTION 3.

Amends Chapter 232B, Local Government Code, by adding a new heading.

#### SECTION 4.

Amends Section 232.021, Local Government Code, to redefine “utility.” Deletes the definition of “affected county.” Makes conforming and nonsubstantive changes. Redesignated from proposed SECTION 1. Deletes proposed SECTION 4.

#### SECTION 5.

Amends Section 232.022, Local Government Code, to provide that this subchapter applies only to a county any part of which is located within 50 miles of an international border. Redesignated from proposed SECTION 2.

#### SECTION 6.

Amends Section 232.023(a), Local Government Code, to make conforming changes

#### SECTION 7.

Amends Section 232.024, by adding Subsection (d), to provide that the planning commission is subject to the same provisions applicable to the commissioners court. Redesignated from SECTION 3.

#### SECTION 8.

Amends Section 232.026(c), Local Government Code, to make conforming changes.

#### SECTION 9.

Amends Section 232.029, Local Government Code, by amending Subsection (d) and by adding Subsection (f), to make conforming changes. Redesignated from proposed SECTION 5.

#### SECTION 10.

Amends Section 232.030(b), Local Government Code, to make conforming changes. Redesignated from proposed SECTION 6. Deletes proposed SECTION 10.

#### SECTION 11.

Amends Chapter 232B, Local Government Code, by adding Section 232.0305, regarding certain duties of a county inspector. Redesignated from proposed SECTION 7.

#### SECTION 12.

Amends Section 232.035(b), Local Government Code, to make conforming changes.

#### SECTION 13.

Amends Section 232.037(a), Local Government Code, to make conforming changes. Deletes proposed SECTION 13.

SECTION 14.

Amends Section 232.037, Local Government Code, to provide that this subchapter is subject to the applicable enforcement provisions prescribed by certain sections of the Water Code.

SECTION 15.

Amends Section 232.038, Local Government Code, to make conforming changes. Deletes proposed SECTION 15.

SECTION 16.

Amends Section 232.039(a), Local Government Code, to make conforming changes.

SECTION 17.

Amends Section 232.040(c), Local Government Code, to delete text regarding purchasing a lot through a contract for deed.

SECTION 18.

Amends Section 232.042, Local Government Code, to add a new heading. Redesignated from proposed SECTION 8. Deletes proposed SECTION 18.

SECTION 19.

Amends Chapter 232B, Local Government Code, by adding Section 232.043, regarding the variances from replatting requirements.

SECTION 20.

Amends Chapter 232C, Local Government Code, to add a new heading.

SECTION 21.

Amends Section 232.071, Local Government Code, to establish that this subchapter applies only to the subdivision of land located in certain municipalities or counties. Deletes proposed SECTION 21.

SECTION 22.

Amends Section 232.073, Local Government Code, to provide that the planning commission is subject to the same provisions applicable to the commissioners court. Redesignated from proposed SECTION 9.

SECTION 23.

Amends Chapter 232C, Local Government Code, by adding Section 232.0755, regarding certain duties of the county inspector. Redesignated from proposed SECTION 11.

SECTION 24.

Amends Section 232.080, Local Government Code, by adding Subsection (c), to provide that this subchapter is subject to the applicable enforcement provisions of prescribed by certain sections of the Water Code. Deletes proposed SECTIONS 24-28.

SECTION 25.

Amends Section 232.092, Local Government Code, regarding the establishment and abolition of planning commission.



Amends Section 232.093, Local Government Code, regarding the appointment of members of the planning commission.

Amends Section 232.094, Local Government Code, regarding financial disclosure. Redesignates proposed Section 232.094 as Section 232.095. Deletes proposed Section 232.095.

Amends Section 232.096, Local Government Code, regarding the timely approval of plats.

Amends Section 232.097, Local Government Code, regarding reasons for disapproval of plat required.

#### SECTION 26.

Amends Sections 242.001(a) and (c), Local Government Code, to make conforming changes.

#### SECTION 27.

Amends Section 12.002(d), Property Code, to make conforming changes.

#### SECTION 28.

Amends Chapter 5D, Water Code, by adding Section 5.124, regarding the authority to award grants.

#### SECTION 29.

Amends Section 13.002(26), Water Code, to define “affected county.”

#### SECTION 30.

Amends Section 13.241(e), Water Code, to authorize the commission, by rule, to develop a standardized method for determining which of two or more retail public utilities or water supply or sewer service corporations that apply for a certificate of public convenience and necessity to provide utilities to certain uncertified economically distressed areas. Defines “economically distressed area.”

#### SECTION 31.

Amends Section 13.246, Water Code, by amending Subsection (e) and adding Subsections (f) and (g), regarding factors concerning the efforts of an applicant for a certificate, and the approval process for the certificate by the Texas Water Commission.

#### SECTION 32.

Amends Section 13.381, Water Code, to establish conditions regarding a certificate for providing utilities in economically distressed areas that is denied. Makes conforming changes.

#### SECTION 33.

Amends Section 15.407, Water Code, regarding the procurement of services of necessary engineering services in economically distressed areas. Requires the Texas Water Development Board to adopt rules regarding procurement of and termination of facility engineering services. Redesignated from proposed SECTION 14.

#### SECTION 34.

Amends Section 16.343(a), Water Code, to require TWDB, rather than TNRCC, to prepare and adopt model rules to assure minimum standards for safe and sanitary water supply and sewer services in certain areas, after consultation with the attorney general and TNRCC. Redesignated from proposed SECTION 16.

SECTION 35.

Amends Section 16.345(b), Water Code, to authorize an affected county or another political subdivision to issue certain bonds. Makes conforming changes. Redesignated from proposed SECTION 17.

SECTION 36.

Redesignated from proposed SECTION 19.

SECTION 37.

Amends Chapter 16J, by adding Section 16.356, regarding the use of revenue from operation of water supply or sewer service projects. Redesignated from proposed SECTION 20.

SECTION 38.

Amends Section 17.927(b), Water Code, to require in an application and plan the inclusion of, on request of TWDB, a written determination from TNRCC on the managerial, financial, and technical capacity of the applicant to operate the system for which financial assistance is being requested. Makes a conforming change.

SECTION 39.

Amends Sections 17.930(b) and (c), Water Code, to require TWDB by resolution, after making the provided considerations, to establish conditions regarding approval or denial of an application or plan. Makes conforming changes.

SECTION 40.

Amends Section 26.001(20), Water Code, to redefine “affected county.”

SECTION 41.

Amends Section 26.001(26), Water Code, to make conforming changes.

SECTION 42.

Amends Section 775.002, Government Code, regarding interagency coordination of colonia initiatives.

Amends Section 775.003, Government Code, regarding a colonia ombudsman program. Redesignated from proposed SECTION 22.

SECTION 43.

Redesignated from proposed SECTION 23.

SECTION 44.

Requires the agencies designated by Section 775.002(d), Government Code, to designate an officer or employee to serve as that agency’s colonia initiative liaison, on or before November 1, 1999.

SECTION 45.

Adds text making application of Section 5.124, Water Code, of this Act prospective. Provides that the changes in law made by Section 5.124, Water Code, do not affect the validity of or apply to a grant TNRCC made before the effective date of this Act. Authorizes the commission to award a grant that, on the effective date, is being considered under, or for which a solicitation for proposals has been issued or an application has been received under, certain authority other than

Section 5.124, Water Code, as added by this Act.

SECTION 46.

Makes application of Sections 13.241, 13.246, and 13.381, Water Code of this Act prospective.

SECTION 47.

Provides that the changes in law made by this Act to Sections 15.407, 17.927, and 17.930, Water Code, apply only to an application that is pending before or submitted to TWDB on or after September 1, 1999, and a contract under Section 15.407, Water Code, regardless of the date the contract was made.

SECTION 48.

Makes application of Section 16.352, Water Code, of this Act prospective.

SECTION 49.

Makes application of Section 16.356, Water Code, of this Act prospective.

SECTION 50.

Effective date: September 1, 1999. Redesignated from proposed SECTION 29.

SECTION 51.

Emergency clause. Redesignated from proposed SECTION 30.