

BILL ANALYSIS

Senate Research Center

S.B. 2314
By: Averitt
Natural Resources
4/8/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As proposed, S.B. 2314 clarifies the authority of the Texas Water Development Board (TWDB) to accept additional and/or special organization grants. Additionally, the bill allows TWDB to adopt rules with 72-hour notice if necessary to secure federal grants, provided that Administrative Procedure Act requirements are followed for formal adoption of rules within six months.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Water Development Board (TWDB) is modified in SECTION 1 (Section 15.604, Water Code) and SECTION 2 (Section 15.605, Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 15.604(b), Water Code, to require 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 special capitalization grant under the state water pollution control revolving fund, the safe drinking water revolving fund, or other revolving fund established by TWDB may be used to provide financial assistance to eligible applicants, rather than political subdivisions, for public works. Requires that such rules require financial assistance be provided for the purpose or purposes and on certain terms under which the additional state revolving fund was established or the special capitalization grant was awarded.

SECTION 2. Amends Section 15.605, Water Code, as follows:

Sec. 15.605. RULES. (a) Requires TWDB, except as provided by Subsection (b), to adopt necessary rules to carry out this subchapter in accordance with Chapter 2001 (Administrative Procedure), Government Code.

(b) Authorizes TWDB, if TWDB determines that rules necessary for the compliance with the terms of any special capitalization grant or other federal funding are required to be adopted more expeditiously than authorized under Chapter 2001, Government Code, to proceed with the immediate adoption of rules by posting notice at least 72 hours before the meeting to adopt rules. Provides that rules adopted under this subsection become void if TWDB does not readopt the rules in compliance with Chapter 2001, Government Code, on or before the 180th day after the date of the immediate adoption.

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