

VIII. Statutory Authority and Recent Legislation

A. Fill in the following chart, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact your agency. Do not include general state statutes that apply to all agencies, such as the Public Information Act, the Open Meetings Act, or the Administrative Procedure Act. Provide information on Attorney General opinions from FY 2005 – 2009, or earlier significant Attorney General opinions, that affect your agency’s operations.

**Texas Water Development Board
Exhibit 13: Statutes/Attorney General Opinions**

Statutes	
Citation/Title	Authority/Impact on Agency (e.g., Provides authority to license and regulate nursing home administrators@)
Texas Constitution, Article III, §§ 49-c, 49-d, 49-d-1, 49-d-2, 49-d-3, 49-d-4, 49-d-5, 49-d-6, 49-d-7, 49-d-8, 49-d-9, 49-d-10, 50-d	Provides for creation of the TWDB; authorizes issuance of state general obligation bonds for water, water quality enhancement, flood control, economically distressed areas, and agricultural water conservation; provides the authority to operate a program for bond insurance.
Water Code Chapter 6	Provides for general powers, duties, and responsibilities of the TWDB; composition, appointment, and eligibility of the TWDB Board; administrative provisions for the TWDB; and appointment and general powers of Executive Administrator.
Water Code §11.1271 and §11.1272	Provides for the TWDB and the Texas Commission on Environmental Quality to identify quantified target goals for water conservation, develop model water conservation programs, and by joint rule identify quantified target goals for drought contingency plans.
Water Code §11.153 and §11.155	Provides for the TWDB participation in pilot aquifer storage studies and use of the TWDB funding for studies
Water Code §12.051	Provides for authority of TWDB to conduct study concerning the feasibility of federal projects to construct, enlarge, or extend a dam, lake, reservoir or other water storage or flood control work; to hold a public hearing; and issue an order regarding the federal project.
Water Code Chapter 15 (Subchapter A)	Provides general provisions relating to Water Assistance funding.

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Water Code Chapter 15 (Subchapters B, C, E and F)	Provides authority for financial assistance from Water Assistance Fund and accounts established under this fund as follows: establishment and management of Water Assistance Fund (Subchapter B); loans and grants from Water Loan Assistance Fund (Subchapter C); state purchase of facilities under Storage Acquisition Program (Subchapter E); and Research and Planning Program including research grants, regional facility planning grants, EDAP facility planning grants, and regional planning grants (Subchapter F).
Water Code Chapter 15 (Subchapter D)	Authorizes the TWDB to implement constitutional authority for Water Bond Insurance Program.
Water Code Chapter 15 (Subchapter J); 33 United States Code §§ 1251 et seq. (Federal Water Pollution Control Act); 42 U.S.C.A. §§ 300f - 300j-26	Provides for creation of and funding from State Water Pollution Control Revolving Fund (known as Clean Water State Revolving Fund) and the Safe Drinking Water State Revolving Fund (known as Drinking Water State Revolving Fund).
Water Code Chapter 15 (Subchapter K)	Provides for creation and administration of Texas Water Bank to facilitate water transactions.
Water Code Chapter 15 (Subchapter L)	Provides for creation of Plumbing Loan Fund to provide loans through political subdivisions to individuals for connections to water or sewer systems or to provide indoor plumbing facilities and fixtures.
Water Code Chapter 15 (Subchapter M)	Establishes the hydrographic survey program and requests the TWDB to perform a hydrographic survey upon request from a political subdivision or state or federal agency. Establishes account to be used only to pay the costs of surveys, insurance for watercraft, and capital equipment.
Water Code Chapter 15 (Subchapter N)	Establishes the aquatic vegetation management fund to be used for grants to Texas Parks and Wildlife or political subdivisions for state aquatic vegetation management.
Water Code Chapter 15 (Subchapter O)	Provides for creation of disadvantaged rural community water and wastewater financial assistance, which provides grants or loans to political subdivisions or water supply corporations for water and wastewater projects supplying service to rural and disadvantaged rural communities.
Water Code Chapter 15 (Subchapter P)	Provides for the creation of the Colonia Self-Help Program to reimburse a political subdivision or nonprofit organization for eligible expenses incurred in a self-help project that results in the provision of adequate water or wastewater services to a colonia.

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Water Code Chapter 15 (Subchapter Q)	Provides for the creation of the Rural Water Assistance Fund for projects that serve outside of metropolitan statistical areas or economically distressed areas.
Water Code Chapter 16 (Subchapter B)	Requires the TWDB to conduct studies, investigations, and surveys; make the information available; and provide technical assistance and services to promote water planning and water conservation efforts.
Water Code §16.021 and §16.023	Provides for Executive Administrator to establish the Texas Natural Resources Information System (TNRIS) to serve Texas agencies and citizens as a centralized clearinghouse and referral center for natural resource data, census data, data related to emergency management, and other socioeconomic data. Creates the Texas Geographic Information Council to provide strategic planning and coordination in the acquisition and use of geo-spatial data and related technologies.
Water Code Chapter 16 (Subchapter C)	Provides for the TWDB adoption of state water plan and coordination and approval of regional and local water planning; provides for drought response planning and implementation.
Water Code §16.058 and §11.1491	Provides for the TWDB and Texas Parks and Wildlife Department to jointly establish and maintain a bay and estuary data collection and analytical studies program for determination of freshwater inflow needs, use of money for bay and estuary studies.
Water Code Chapter 16 (Subchapter D)	Designates the TWDB as the agency to cooperate with the U.S. Army Corps of Engineers and Bureau of Reclamation for planning water resources projects; allows the TWDB to be named local sponsor of federal projects; provides authority to execute agreements with the U.S. Environmental Protection Agency pertaining to programs providing for federal grants, loans, or other assistance for water supply projects, treatment works, or flood control measures.
Water Code Chapter 16 (Subchapters E and F)	Provides implementing legislation for the TWDB constitutional authority to purchase and sell interests in regional water and wastewater projects, including flood retention structures (State Participation Program).
Water Code §16.233	Provides Executive Administrator with authority to confer with federal and state agencies and political subdivisions, and execute cooperative agreements.
Water Code Chapter 16 (Subchapter H)	Provides that the TWDB may make navigation improvements within the Cypress Creek drainage basin.

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Water Code Chapter 16 (Subchapter I); Texas Civil Statute Article 8280-13; National Flood Insurance Reform Act of 1994, 42 U.S.C.A, Chapter 50, Subchapter III, §§4001 – 4107	Established the TWDB as the state agency to administer the National Flood Insurance Program in Texas.
Water Code Chapter 16 (Subchapter J) ; Chapter 17 (Subchapter K); §15.407	Provides the statutory authority for implementing the constitutionally authorized Economically Distressed Areas Program (EDAP)
Water Code Chapter 16 (Subchapter K)	Provides that the Executive Administrator will develop a statewide water conservation public awareness program.
Annual Federal Appropriations Act	Provides federal funds through the Colonia Wastewater Treatment Assistance Program with condition that the agency comply with certain federal statutes, i.e., 42 U.S.C.A. §§4321, et seq., National Environmental Policy Act; Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, 40 C.F.R. Part 31.
Water Code Chapter 17 (Subchapters A-G, L)	Provides statutory authority for implementing constitutionally authorized financing of water, water quality enhancement and flood control projects; provides for sale of bonds and disposition of proceeds for such programs and for the EDAP program.
Water Code Chapter 17 (Subchapter I)	Provides authority for the TWDB to issue and use revenue Bonds.
Water Code Chapter 17 (Subchapter J)	Provides statutory authority for constitutionally authorized Agricultural Water Conservation Bond Program.
Water Code Chapter 17 (Subchapter M)	Provides authority for the TWDB to require training for an operating entity of a political subdivision that applies for financial assistance from the EDAP program.
Water Code Chapter 20 and §§15.1071, 17.072, and 17.0871	Provides for the TWDB Board members to serve on the Board of Texas Water Resources Finance Authority (TWRFA and for various interactions with the TWDB, including TWRFA's purchase of the TWDB's political subdivision bonds.
Water Code §26.035	Provides for the TWDB to execute agreements with the U.S. Environmental Protection Agency or other federal agencies that administer programs providing cooperation and financial assistance in the form of loans and grants for water quality control activities and to accept federal funds for such purposes.
Water Code §26.043	Authorizes the TWDB to purchase bonds issued by entities

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	that have entered "The State of Texas Water Pollution Control Compact" to provide funds for water quality enhancement pursuant to the Federal Water Pollution Control Act.
Water Code §26.403	Provides for the TWDB Executive Administrator to be a member of Texas Groundwater Protection Committee.
Water Code §§35.004, 35.007, 35.012, 35.013, and 35.018	Provides for the TWDB responsibility for identifying and studying priority groundwater management areas, with cooperation and assistance from the Texas Commission on Environmental Quality, and for education in such areas and filing reports.
Water Code §§36.105, 36.1071-.1073	Provides for the TWDB, upon receipt of notice from the Texas Commission on Environmental Quality, to designate a groundwater management area for a proposed district, certify groundwater management plans, and provide technical assistance.
Water Code §36.108 and §36.109	Provides authority for the TWDB or Executive Administrator to participate in the joint planning management area process and collection of information.
Water Code §36.120	Provides for sharing of information between groundwater conservation districts and the TWDB.
Water Code §36.159-.161	The TWDB may provide funds to groundwater conservation districts for data collection, management Plans, and regional water plans from Water Assistance Fund.
Water Code Chapter 36 (Subchapter L)	Provides for the TWDB to use the Water Assistance Fund for loans to newly confirmed groundwater conservation districts for creation and initial operations.
Water Code §36.302	The TWDB provides technical assistance to state auditor for review of groundwater conservation districts.
Water Code §54.037	Provides that the TWDB rules may specify mode and manner for condemnation of any type of property to be acquired by regional plan implementation agencies if not otherwise prescribed by law.
Water Code §58.186	Requires the TWDB to furnish irrigation districts with topographic maps and data concerning district projects.
Water Code §59.005	Prohibits regional districts from providing matching funds for TWDB financial assistance through a guarantee of anyone who has a financial interest in the district or will receive direct financial benefit from a project.
Water Code §64.011	Requires the TWDB Executive Administrator to prepare

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	cost-benefit analysis for importation of water into an area of the Ogallala Water Import Authority, estimate the quantities of water available and required for import, and evaluate impacts in counties within the authority if water is imported.
Agriculture Code §50D.021 (SB 1016, 2009)	Provides that the Board shall appoint a representative of the TWDB to the Texas Bioenergy Council.
Government Code §1233.051 and §1233.151	Names the TWDB Executive Administrator to College Opportunity Act committee; authorizes the TWDB to designate all or part of general obligation bonds as college savings bonds.
Government Code §776.002 (HB 865, 2009)	Provides that the TWDB is a member agency of the Texas Invasive Species Coordinating Committee.
Government Code §2060.002 (SB 2169, 2009)	Provides that the TWDB is a member of the Work Group on Smart Growth Policy.
HB 2275 (2009)	Provides that the TWDB Executive Administrator appoints (1) a TWDB staff member and (2) three members who are county officials or employees responsible for regulating subdivisions under Subchapter C, Chapter 232, Local Government Code, to the task force required to develop uniform standards for subdivisions in the unincorporated areas of counties near the international border and in economically distressed counties; the TWDB provides administrative support and meeting space for the task force; authorizes the TWDB, on behalf of the task force, to accept gifts and grants from individuals, private or public organizations, or federal or local funds to support the task force.
HB 3861 (2009)	Provides discretion to the TWDB, (a) in making any statutory finding under Water Code §16.135(1) necessary to complete financing of a project, the TWDB may take into account any revenue reasonably expected to be received from: (1) a political subdivision not currently under contract with the authority to participate in paying the costs of the site acquisition stage of the project; or (2) a political subdivision not currently under contract to purchase a portion of the water to be supplied by the project. (b) The TWDB is not required to identify a political subdivision from which revenue is reasonably expected to be received as provided by Subsection (a) of this section at the time the TWDB makes a finding described by that subsection.
Attorney General Opinions	

Statutes	
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Attorney General Opinion No.	Impact on Agency
GA-0411	<p>Resolved conflicts between two versions of section 16.341 of the Water Code, pertaining to water supply and sewer services in economically distressed areas, and section 17.923 of the same code, which concerned financial assistance to economically distressed counties for water supply and sewer services. The two statutes were amended twice during the 79th Legislature, first by Senate Bill 425 on May 25, 2005, and subsequently by House Bill 467 on May 27, 2005.</p> <p>The Attorney General concluded that the legislature eliminated section 17.923, finding that although House Bill 467 did not repeal subsection (3), which was adopted by Senate Bill 425 and which would not take effect until September 1, 2005, the bill repealed the introductory clause: “To be eligible for financial assistance under this subchapter, a county...” The Attorney General opined that without this sentence fragment, subsection (3) as adopted by Senate Bill 425 has no meaning.</p> <p>The impact to the agency was the enlargement of the class of counties eligible for financial assistance under Water Code Chapter 17 to counties “located... within 100 miles of an international border and contain[ing] the majority of the area of a municipality with a population of more than 250,000”</p>

B. Provide a summary of recent legislation regarding your agency by filling in the chart below or attaching information already available in an agency-developed format. Briefly summarize the key provisions. For bills that did not pass, briefly explain the key provisions and issues that resulted in failure of the bill to pass (e.g., opposition to a new fee, or high cost of implementation).

Texas Water Development Board Exhibit 14: 81st Legislative Session Chart		
Legislation Enacted – 81st Legislative Session		
Bill Number	Author	Summary of Key Provisions
HB 865	Swinford	Relating to the establishment of the Texas Invasive Species Coordinating Committee.

HB 2275	Raymond	Relating to creating a task force to develop uniform standards for subdivisions in the unincorporated areas of counties near the international border and in economically distressed counties.
HB 2374	Guillen	Relating to financial assistance by the TWDB for the connection of residences in economically distressed areas to public water supply and sanitary sewer systems.
HB 3861	Hopson	Relating to financing by the TWDB of the proposed Lake Columbia reservoir project.
HB 4110	Martinez-Fischer	Relating to the purchase, donation, and sale of promotional items by the TWDB.
SB 1371	Lucio, Jr.	Relating to the Colonia Self-Help Program.
SB 2312	Averitt	Relating to eligibility for funds from the water infrastructure fund from the TWDB.
SB 2314	Averitt	Relating to the adoption of rules by the TWDB regarding supplemental funding resulting from federal economic recovery legislation.
Legislation Not Passed – 81st Legislative Session		
Bill Number	Author	Summary of Key Provisions/Reason the Bill Did Not Pass
HJR 128/ SJR 50	Ritter/ Averitt	Proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the TWDB.
HB 2134/ SB 2315	Rios Ybarra/ Averitt	Relating to the frequency of water audits by certain retail public utilities.
HB 2536/ SB 1288	Creighton/ West	Relating to the floodplain management account.
HB 3527/ SB 2283	Callegari/ Lucio	Relating to the use of the State Participation account of the Water Development Fund.
HB 3542/ SB 2284	Lucio III/ Lucio, Jr.	Relating to the issuance of grants by the TWDB for water and wastewater system improvements in economically distressed areas.