

CHAPTER 246

H.B. No. 1509

AN ACT

relating to proof of water rights for release of funds by the Texas Water Development Board.

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

SECTION 1. Section 15.104, Water Code, is amended to read as follows:

Sec. 15.104. *FINDINGS REGARDING PERMITS* ~~[CERTIFICATE OF COMMISSION]~~ OR APPROVAL BY COMMISSION. (a) The board shall not deliver funds pursuant to an application for a loan of financial assistance from the loan fund until the *executive administrator makes a written finding* ~~[political subdivision has furnished the board a resolution adopted by the commission certifying]~~:

(1) that an applicant proposing surface-water development has the necessary water right authorizing it to appropriate and use the water that the project will provide; or

(2) that an applicant proposing underground water development has the right to use water that the project will provide.

(b) If an applicant includes a proposal for a waste water treatment plant, the board may not deliver funds for the waste water treatment plant until the applicant has received a permit for construction and operation of the waste water treatment plant and approval of the plans and specifications from the commission.

SECTION 2. Section 17.123, Water Code, is amended to read as follows:

Sec. 17.123. *FINDINGS REGARDING PERMITS* ~~[CERTIFICATE OF COMMISSION]~~ OR APPROVAL BY COMMISSION. (a) The board shall not deliver funds pursuant to an application for financial assistance until the *executive administrator makes a*

*written finding* [~~political subdivision has furnished the board a resolution adopted by the commission certifying~~]:

(1) that an applicant proposing surface-water development has the necessary water right authorizing it to appropriate and use the water which the project will provide; or

(2) that an applicant proposing underground water development has the right to use water that the project will provide.

(b) If an application includes a proposal for a waste water treatment plant, the board may not deliver funds for the waste water treatment plant until the applicant has obtained a permit for construction and operation of the waste water treatment plant and approval of the plans and specifications for the plant from the commission.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 23, 1987, by a non-record vote. Passed by the Senate on May 15, 1987, by a viva-voce vote.

Approved May 28, 1987.

Effective August 31, 1987, 90 days after date of adjournment.