

WATER CODE

TITLE 2. WATER ADMINISTRATION

SUBTITLE A. EXECUTIVE AGENCIES

CHAPTER 6. TEXAS WATER DEVELOPMENT BOARD

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 6.001. DEFINITIONS. In this chapter:

(1) "Board" means the Texas Water Development Board.

(2) "Executive administrator" means the executive administrator of the board.

(3) "Commission" means the Texas Natural Resource Conservation Commission.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985. Amended by Acts 1991, 72nd Leg., ch. 516, Sec. 1, eff. Sept. 1, 1991; Acts 1991, 72nd Leg., 1st C.S., ch. 3, Sec. 1.056, eff. Aug. 12, 1991.

Sec. 6.002. SCOPE OF CHAPTER. The powers and duties enumerated in this chapter are the general powers and duties of the board and those incidental to the conduct of its business. The board has other specific powers and duties as prescribed in other sections of this code and other laws of this state.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

SUBCHAPTER B. ORGANIZATION OF THE TEXAS WATER DEVELOPMENT BOARD

Sec. 6.011. BOARD AS AGENCY OF STATE. The board is the state agency primarily responsible for water planning and for administering water financing for the state.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Sec. 6.012. GENERAL DUTIES AND RESPONSIBILITIES. (a) The board has general jurisdiction over:

(1) the development and implementation of a statewide

water plan;

(2) the administration of the state's various water assistance and financing programs including those created by the constitution;

(3) the administration of the National Flood Insurance Program; and

(4) other areas specifically assigned to the board by this code or other law.

(b) The board has only those powers and duties previously delegated by law to the Texas Department of Water Resources that are specifically delegated to the board under this code and other laws of this state.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1323 (S.B. [1436](#)), Sec. 3, eff. September 1, 2007.

Sec. 6.013. SUNSET PROVISION. The Texas Water Development Board is subject to review under Chapter [325](#), Government Code (Texas Sunset Act), but is not abolished under that chapter. The board shall be reviewed during the period in which state agencies abolished in 2023 and every 12th year after 2023 are reviewed.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985. Amended by Acts 1987, 70th Leg., ch. 167, Sec. 2.20(47), eff. Sept. 1, 1987; Acts 1991, 72nd Leg., 1st C.S., ch. 17, Sec. 5.24(a), eff. Nov. 12, 1991; Acts 2001, 77th Leg., ch. 1234, Sec. 2, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., 1st C.S., Ch. 2 (S.B. [2](#)), Sec. 1.13, eff. July 10, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 1233 (S.B. [660](#)), Sec. 1, eff. September 1, 2011.

Sec. 6.014. CONSTRUCTION OF TITLE. This title shall be liberally construed to allow the board and the executive administrator to carry out their powers and duties in an efficient

and effective manner.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

SUBCHAPTER C. TEXAS WATER DEVELOPMENT BOARD

Sec. 6.051. STATE AGENCY. The Texas Water Development Board is an agency of the state.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Sec. 6.052. MEMBERS OF THE BOARD; APPOINTMENT. (a) The board is composed of three members who are appointed by the governor with the advice and consent of the senate. One member must have experience in the field of engineering, one member must have experience in the field of public or private finance, and one member must have experience in the field of law or business.

(b) The governor shall make the appointments in such a manner that the members reflect the diverse geographic regions and population groups of this state and do not have any conflicts of interest prohibited by state or federal law.

(c) Appointments to the board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985. Amended by Acts 2001, 77th Leg., ch. 1234, Sec. 3, eff. Sept. 1, 2001.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 207 (H.B. 4), Sec. 1.01, eff. September 1, 2013.

Sec. 6.053. ELIGIBILITY FOR MEMBERSHIP. (a) Members of the board must be members of the general public.

(b) A person is not eligible for appointment to the board if the person or the person's spouse:

(1) is employed by or participates in the management

of a business entity or other organization regulated by the board or receiving funds from the board;

(2) owns, controls, or has, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by the board or receiving funds from the board; or

(3) uses or receives a substantial amount of tangible goods, services, or funds from the board.

(c) Subsection (b)(1) does not apply to an employee of a political subdivision of this state.

(d) A person is not eligible for appointment to the board if the person served on the board on or before January 1, 2013.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1278 (H.B. 3769), Sec. 2, eff. June 15, 2007.

Acts 2013, 83rd Leg., R.S., Ch. 207 (H.B. 4), Sec. 1.02, eff. September 1, 2013.

Sec. 6.054. REMOVAL OF BOARD MEMBERS. (a) It is a ground for removal from the board that a member:

(1) does not have at the time of taking office the qualifications required for appointment to the board;

(2) does not maintain during service on the board the qualifications required for appointment to the board;

(3) is ineligible for membership under Sections 6.053, 6.057, and 6.058;

(4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or

(5) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the board.

(b) The validity of an action of the board is not affected by the fact that it is taken when a ground for removal of a board member

exists.

(c) If the executive administrator or a member has knowledge that a potential ground for removal exists, the executive administrator shall notify the chairman of the board of the potential ground. The chairman of the board shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal includes the chairman of the board, the executive administrator or another member of the board shall notify the member of the board with the most seniority, who shall then notify the governor and the attorney general that a potential ground for removal exists.

(d) The governor, with the advice and consent of the senate, may remove a board member from office as provided by Section 9, Article XV, Texas Constitution.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985. Amended by Acts 2001, 77th Leg., ch. 1234, Sec. 4, eff. Sept. 1, 2001.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 207 (H.B. 4), Sec. 1.03, eff. September 1, 2013.

Sec. 6.055. OFFICERS OF STATE; OATH. Each member of the board is an officer of the state as that term is used in the constitution, and each member shall qualify by taking the official oath of office.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Sec. 6.056. TERMS OF OFFICE. (a) The members of the board hold office for staggered terms of six years, with the term of one member expiring February 1 of each odd-numbered year. Each member holds office until a successor is appointed and has qualified.

(b) A person appointed to the board may not serve for more than two six-year terms.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985. Amended by Acts 1991, 72nd Leg., ch. 516, Sec. 1, eff. Sept. 1, 1991.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 207 (H.B. 4), Sec. 1.04, eff. September 1, 2013.

Sec. 6.057. CONFLICT OF INTEREST. (a) In this section, "Texas trade association" means a cooperative and voluntarily joined association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person may not be a member of the board and may not be a board employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of water planning or water financing; or

(2) the person's spouse is an officer, employee, or paid consultant of a Texas trade association in the field of water planning or water financing.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985. Amended by Acts 2001, 77th Leg., ch. 1234, Sec. 4, eff. Sept. 1, 2001.

Sec. 6.058. LOBBYIST PROHIBITION. A person may not be a member of the board or act as the general counsel to the board if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the board.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985. Amended by Acts 1987, 70th Leg., ch. 167, Sec. 2.19(25), eff. Sept. 1, 1987; Acts 2001, 77th Leg., ch. 1234, Sec. 4, eff. Sept. 1, 2001.

Sec. 6.059. CHAIRMAN OF THE BOARD. The governor shall designate one member as chairman of the board to serve at the will of the governor.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 207 (H.B. 4), Sec. 1.05, eff. September 1, 2013.

Sec. 6.060. BOARD MEETINGS. (a) The board shall hold regular meetings and all hearings at times specified by a board order and entered in its minutes. The board may hold special meetings at the times and places in this state that the board decides are appropriate for the performance of its duties. The chairman of the board or the board member acting for the chairman shall give the other members reasonable notice before holding a special meeting.

(b) The chairman shall preside at all meetings of the board. The chairman may designate another board member to act for the chairman in the chairman's absence.

(c) A majority of the members constitute a quorum to transact business.

(d) The board shall meet annually with the board of the Texas Department of Housing and Community Affairs, or the successor agency that administers the portion of the federal community development block grant nonentitlement program that addresses the infrastructure needs of colonias, to assess the agencies' progress in meeting the needs of colonia residents and to receive an update and recommendations from the Colonia Initiatives Advisory Committee, as provided by Section 2306.590, Government Code. For purposes of this subsection, "colonia" has the meaning assigned by Section 2306.581, Government Code.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985. Amended by Acts 2001, 77th Leg., ch. 1234, Sec. 5, eff. Sept. 1, 2001.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 207 (H.B. 4), Sec. 1.06, eff.

September 1, 2013.

Sec. 6.061. FULL-TIME SERVICE. Each member of the board shall serve on a full-time basis.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 207 (H.B. 4), Sec. 1.07, eff. September 1, 2013.

Sec. 6.062. REQUIRED TRAINING FOR BOARD MEMBERS. (a) A person who is appointed to and qualifies for office as a member of the board may not vote, deliberate, or be counted as a member in attendance at a meeting of the board until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

- (1) the legislation that created the board;
- (2) the programs operated by the board;
- (3) the role and functions of the board;
- (4) the rules of the board, with an emphasis on the rules that relate to disciplinary and investigatory authority;
- (5) the current budget for the board;
- (6) the results of the most recent formal audit of the board;
- (7) the requirements of:
 - (A) the open meetings law, Chapter 551, Government Code;
 - (B) the public information law, Chapter 552, Government Code;
 - (C) the administrative procedure law, Chapter 2001, Government Code; and
 - (D) other laws relating to public officials, including conflict of interest laws; and
- (8) any applicable ethics policies adopted by the board or the Texas Ethics Commission.

(c) A person appointed to the board is entitled to

reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

Added by Acts 2001, 77th Leg., ch. 1234, Sec. 6, eff. Sept. 1, 2001.

SUBCHAPTER D. GENERAL POWERS AND DUTIES OF THE BOARD

Sec. 6.101. RULES. (a) The board shall adopt rules necessary to carry out the powers and duties of the board provided by this code and other laws of this state.

(b) The executive administrator may recommend to the board for its consideration rules that he considers necessary to carry out the board's powers and duties.

(c) Rules shall be adopted in the manner provided by Chapter [2001](#), Government Code.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985. Amended by Acts 1995, 74th Leg., ch. 76, Sec. 5.95(49), eff. Sept. 1, 1995.

Sec. 6.1011. BUDGET APPROVAL. The board shall examine and approve budget recommendations for the board that are to be transmitted to the legislature.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Sec. 6.102. ADVISORY COUNCILS. The board may create and consult with any advisory councils that the board considers appropriate to carry out its powers and duties.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Sec. 6.103. EXECUTIVE ADMINISTRATOR. The board shall appoint a person to be the executive administrator to serve at the will of the board. A person is not eligible for appointment as the executive administrator if the person served in that capacity on January 1, 2013.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 207 (H.B. 4), Sec. 1.08, eff. September 1, 2013.

Sec. 6.104. MEMORANDA OF UNDERSTANDING. The board may enter into a memorandum of understanding with any other state agency and shall adopt by rule any memorandum of understanding between the board and any other state agency.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985. Amended by Acts 1991, 72nd Leg., ch. 516, Sec. 1, eff. Sept. 1, 1991.

Sec. 6.105. PUBLIC TESTIMONY POLICY. The board shall develop and implement policies that will provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the board.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Sec. 6.106. STANDARDS OF CONDUCT. The executive administrator or the executive administrator's designee shall provide to members of the board and to agency employees, as often as is necessary, information regarding the requirements for office or employment under this code, including information regarding a person's responsibilities under applicable laws relating to standards of conduct for state officers or employees.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985. Amended by Acts 2001, 77th Leg., ch. 1234, Sec. 7, eff. Sept. 1, 2001.

Sec. 6.107. POWER TO ENTER LAND. Any member or employee of the board may enter any person's land, natural waterway, or artificial waterway for the purpose of making an investigation that would, in the judgment of the executive administrator, assist the board in the discharge of its duties.

Added by Acts 1987, 70th Leg., ch. 977, Sec. 3, eff. June 19, 1987.

Sec. 6.108. POWER TO PURCHASE INSURANCE. The board may purchase for its members, appointees, and employees and pay premiums on liability insurance in any amounts and from any insurers the board considers advisable.

Added by Acts 1993, 73rd Leg., ch. 1021, Sec. 1, eff. Aug. 30, 1993.

Sec. 6.109. LIABILITY. Pursuant to the limited waiver of governmental immunity of Chapter 101, Civil Practice and Remedies Code (Texas Tort Claims Act), neither a member of the board nor any employee of the board is personally liable in the person's private capacity for any act performed or for any contract or other obligation entered into or undertaken in an official capacity in good faith and without intent to defraud, in connection with the administration, management, or conduct of the board in its business, programs, or other related affairs.

Added by Acts 1993, 73rd Leg., ch. 1021, Sec. 1, eff. Aug. 30, 1993.

Sec. 6.111. SEPARATION OF RESPONSIBILITIES. The board shall develop and implement policies that clearly separate the policy-making responsibilities of the board and the management responsibilities of the executive administrator and the staff of the board.

Added by Acts 2001, 77th Leg., ch. 1234, Sec. 8, eff. Sept. 1, 2001.

Sec. 6.112. BORDER PROJECTS WEBSITE. (a) In this section, "border region" means the portion of this state located within 100 kilometers of this state's international border.

(b) The board may maintain and update an Internet-based directory of border projects, also know as the Border Activity Tracker, containing information about projects in the border region in which a state agency is involved. The board shall establish guidelines as to which projects and information are to be included in the directory.

(c) Each state agency involved in a project in the border region may electronically submit to the board any information

required under this section to be on the Internet-based directory of border projects. Each state agency shall update the information promptly, not less often than quarterly.

Added by Acts 2005, 79th Leg., Ch. 1215 (H.B. 925), Sec. 8, eff. September 1, 2005.

Sec. 6.113. NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE RESOLUTION. (a) The board shall develop and implement a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of board rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, to assist in the resolution of internal and external disputes under the board's jurisdiction.

(b) The board's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The board shall:

(1) coordinate the implementation of the policy adopted under Subsection (a);

(2) provide training as needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1233 (S.B. 660), Sec. 2, eff. September 1, 2011.

Sec. 6.114. FINANCIAL ASSISTANCE PROGRAMS: DEFAULT, REMEDIES, AND ENFORCEMENT. (a) In this section:

(1) "Default" means:

(A) default in payment of the principal of or interest on bonds, securities, or other obligations purchased or acquired by the board;

(B) failure to perform any covenant related to a

bond, security, or other obligation purchased or acquired by the board;

(C) a failure to perform any of the terms of a loan, grant, or other financing agreement; or

(D) any other failure to perform an obligation, breach of a term of an agreement, or default as provided by any proceeding or agreement evidencing an obligation or agreement of a recipient, beneficiary, or guarantor of financial assistance provided by the board.

(2) "Financial assistance program recipient" means a recipient or beneficiary of funds administered by the board under this code, including a borrower, grantee, guarantor, or other beneficiary.

(b) In the event of a default and on request by the board, the attorney general shall seek:

(1) a writ of mandamus to compel a financial assistance program recipient or the financial assistance program recipient's officers, agents, and employees to cure the default; and

(2) any other legal or equitable remedy the board and the attorney general consider necessary and appropriate.

(c) A proceeding authorized by this section shall be brought and venue is in a district court in Travis County.

(d) In a proceeding under this section, the attorney general may recover reasonable attorney's fees, investigative costs, and court costs incurred on behalf of the state in the proceeding in the same manner as provided by general law for a private litigant.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1233 (S.B. 660), Sec. 2, eff. September 1, 2011.

Sec. 6.115. RECEIVERSHIP. (a) In this section, "financial assistance program recipient" has the meaning assigned by Section 6.114.

(b) In addition to the remedies available under Section 6.114, at the request of the board, the attorney general shall bring suit in a district court in Travis County for the appointment of a receiver to collect the assets and carry on the business of a

financial assistance program recipient if:

(1) the action is necessary to cure a default by the recipient; and

(2) the recipient is not:

(A) a municipality or county; or

(B) a district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution.

(c) The court shall vest a receiver appointed by the court with any power or duty the court finds necessary to cure the default, including the power or duty to:

(1) perform audits;

(2) raise wholesale or retail water or sewer rates or other fees;

(3) fund reserve accounts;

(4) make payments of the principal of or interest on bonds, securities, or other obligations purchased or acquired by the board; and

(5) take any other action necessary to prevent or to remedy the default.

(d) The receiver shall execute a bond in an amount to be set by the court to ensure the proper performance of the receiver's duties.

(e) After appointment and execution of bond, the receiver shall take possession of the books, records, accounts, and assets of the financial assistance program recipient specified by the court. Until discharged by the court, the receiver shall perform the duties that the court directs and shall strictly observe the final order involved.

(f) On a showing of good cause by the financial assistance program recipient, the court may dissolve the receivership.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1233 (S.B. 660), Sec. 2, eff. September 1, 2011.

SUBCHAPTER E. ADMINISTRATIVE PROVISIONS FOR THE BOARD

Sec. 6.151. AUDIT. The financial transactions of the board are subject to audit by the state auditor in accordance with Chapter

321, Government Code.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985. Amended by Acts 1989, 71st Leg., ch. 584, Sec. 71, eff. Sept. 1, 1989.

Sec. 6.152. PUBLIC INFORMATION RELATING TO BOARD. The board shall prepare information of public interest describing the functions of the board and describing the board's procedures by which complaints are filed with and resolved by the board. The board shall make the information available to the general public and the appropriate state agencies.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Sec. 6.153. COPIES OF DOCUMENTS, PROCEEDINGS, ETC. (a) Except as otherwise specifically provided in this code and subject to the specific limitations provided in this code, on application of any person, the board shall furnish certified or other copies of any proceeding or other official record or of any map, paper, or document filed with the board. A certified copy with the seal of the board and the signature of the chairman of the board or the executive administrator is admissible as evidence in any court or administrative proceeding.

(b) The board shall provide in its rules the fees that will be charged for copies and is authorized to furnish copies, certified or otherwise, to a person without charge when the furnishing of the copies serves a public purpose. Other statutes concerning fees for copies of records do not apply to the board, except that the fees set by the board for copies prepared by the board shall not exceed those prescribed in Chapter 603, Government Code.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985. Amended by Acts 1985, 69th Leg., ch. 795, Sec. 1.169; Acts 1995, 74th Leg., ch. 76, Sec. 5.95(13), eff. Sept. 1, 1995.

Sec. 6.154. COMPLAINT FILE. (a) The board shall maintain a system to promptly and efficiently act on complaints filed with the

board. The board shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and the complaint's disposition.

(b) The board shall make information available describing its procedures for complaint investigation and resolution.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985. Amended by Acts 2001, 77th Leg., ch. 1234, Sec. 9, eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1233 (S.B. 660), Sec. 3, eff. September 1, 2011.

Sec. 6.155. NOTICE OF COMPLAINT. The board shall periodically notify the complaint parties of the status of the complaint until final disposition.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985. Amended by Acts 2001, 77th Leg., ch. 1234, Sec. 9, eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1233 (S.B. 660), Sec. 4, eff. September 1, 2011.

Sec. 6.1555. REFERRAL FOR INVESTIGATION OR ENFORCEMENT ACTION. (a) The board, as the result of a complaint filed with the board or on the board's own motion, may refer an applicant for or recipient of financial assistance from the board to the commission, the state auditor's office, the Texas Rangers, or another state agency, office, or division, as appropriate, for the investigation of, or the initiation of an enforcement action against, the applicant or recipient.

(b) The executive administrator shall transmit the referral to the appropriate state agency, office, or division, monitor the progress of the investigation or enforcement action, and report to the board on a quarterly basis.

Added by Acts 2005, 79th Leg., Ch. 1063 (H.B. 1462), Sec. 1, eff. September 1, 2005.

Sec. 6.156. REPORTS TO GOVERNOR. (a) The board shall make biennial reports in writing to the governor and the members of the legislature. Each report shall include a statement of the activities of the board and its recommendations for necessary and desirable legislation.

(b) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 1312, Sec. 99(32), eff. September 1, 2013.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1312 (S.B. 59), Sec. 99(32), eff. September 1, 2013.

Sec. 6.1565. REPORT TO SECRETARY OF STATE. (a) In this section, "colonia" means a geographic area that:

(1) is an economically distressed area as defined by Section 17.921;

(2) is located in a county any part of which is within 62 miles of an international border; and

(3) consists of 11 or more dwellings that are located in close proximity to each other in an area that may be described as a community or neighborhood.

(b) To assist the secretary of state in preparing the report required under Section 405.021, Government Code, the board on a quarterly basis shall provide a report to the secretary of state detailing any projects funded by the board that serve colonias by providing water or wastewater services or other assistance.

(c) The report must include:

(1) a description of any relevant projects;

(2) the location of each project;

(3) the number of colonia residents served by each project;

(4) the exact amount spent or the anticipated amount to be spent on each colonia served by each project;

(5) a statement of whether each project is completed and, if not, the expected completion date of the project; and

(6) any other information, as determined appropriate by the secretary of state.

(d) The board shall require an applicant for funds administered by the board to submit to the board a colonia classification number, if one exists, for each colonia that may be served by the project proposed in the application. If a colonia does not have a classification number, the board may contact the secretary of state or the secretary of state's representative to obtain the classification number. On request of the board, the secretary of state or the secretary of state's representative shall assign a classification number to the colonia.

Added by Acts 2005, 79th Leg., Ch. 828 (S.B. 827), Sec. 7, eff. September 1, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 341 (S.B. 99), Sec. 13, eff. June 15, 2007.

Sec. 6.157. SEAL. The board shall have a seal bearing the words "Texas Water Development Board" encircling the oak and olive branches common to other official seals.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

SUBCHAPTER F. EXECUTIVE ADMINISTRATOR

Sec. 6.181. GENERAL RESPONSIBILITIES. The executive administrator shall manage the administrative affairs of the board subject to this code and other laws and under the general supervision and direction of the board.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Sec. 6.183. EMPLOYMENT OF PERSONNEL. The executive administrator shall employ necessary personnel for the board. The executive administrator may delegate powers and duties to deputy executive administrators.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1,

1985. Amended by Acts 1993, 73rd Leg., ch. 477, Sec. 1, eff. Aug. 30, 1993.

Sec. 6.184. ADMINISTRATIVE ORGANIZATION. The executive administrator, with the approval of the board, may organize and reorganize the administrative sections and divisions of the board in a form and manner that will achieve the greatest efficiency and effectiveness.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Sec. 6.185. INFORMATION REQUEST TO COMMISSION. (a) With regard to any matter pending before the board, the executive administrator may obtain from the commission information relating to that matter.

(b) On receiving a request from the executive administrator, the commission should make the requested information available within 30 days after the information is requested and shall make the requested information available not later than 90 days after the information is requested.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Sec. 6.186. CAREER LADDER PROGRAM. The executive administrator or his designee shall develop an intraagency career ladder program, one part of which shall require the intraagency posting of all nonentry level positions concurrently with any public posting.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Sec. 6.187. MERIT PAY. The executive administrator or his designee shall develop a system of annual performance evaluations based on measurable job tasks. All merit pay for board employees must be based on the system established under this section.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Sec. 6.188. EQUAL EMPLOYMENT OPPORTUNITY POLICY. (a) The executive administrator or the executive administrator's designee shall prepare and maintain a written policy statement that implements a program of equal employment opportunity to ensure that all personnel decisions are made without regard to race, color, disability, sex, religion, age, or national origin.

(b) The policy statement must include:

(1) personnel policies, including policies relating to recruitment, evaluation, selection, training, and promotion of personnel, that show the intent of the board to avoid the unlawful employment practices described by Chapter 21, Labor Code; and

(2) an analysis of the extent to which the composition of the board's personnel is in accordance with state and federal law and a description of reasonable methods to achieve compliance with state and federal law.

(c) The policy statement must:

(1) be updated annually;

(2) be reviewed by the state Commission on Human Rights for compliance with Subsection (b)(1); and

(3) be filed with the governor's office.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985. Amended by Acts 2001, 77th Leg., ch. 1234, Sec. 9, eff. Sept. 1, 2001.

Sec. 6.189. APPEARANCES AT HEARINGS. The position of and information developed by the board may be presented by the executive administrator or his designated representative at hearings of the board and commission and at hearings held by federal, state, and local agencies on matters affecting the public's interest in the state's water resources, including matters that have been determined to be policies of the state. The board shall be named a party in any hearing before the commission in which the board requests party status. The board may appeal any ruling, decision, or other act of the commission.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Sec. 6.190. CONTRACTS. (a) The executive administrator, on behalf of the board, may negotiate with and, with the consent of the board, may enter into contracts with the United States or any of its agencies for the purpose of carrying out the powers, duties, and responsibilities of the board.

(b) The executive administrator, on behalf of the board, may negotiate with and, with the consent of the board, may enter into contracts or other agreements with states and political subdivisions of this state or other entity for the purpose of carrying out the powers, duties, and responsibilities of the board.

(c) The executive administrator, on behalf of the board, shall obtain the approval of the attorney general as to the legality of a resolution of the board authorizing state ownership in a project.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Sec. 6.191. TRAVEL EXPENSES. The executive administrator is entitled to receive actual and necessary travel expenses. Other employees of the board are entitled to receive travel expenses as provided by the General Appropriations Act.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Sec. 6.192. GIFTS AND GRANTS. The executive administrator may apply for, request, solicit, contract for, receive, and accept money and other assistance from any source to carry out the powers and duties provided by this code.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Sec. 6.193. EMPLOYEE MOVING EXPENSES. If provided by legislative appropriation, the board may pay the costs of transporting and delivering household goods and effects of employees transferred by the executive administrator from one permanent station to another when, in the judgment of the executive

administrator, the transfer will serve the best interest of the state.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Sec. 6.194. APPLICATIONS AND OTHER DOCUMENTS. (a) An application, petition, or other document requiring action of the board shall be presented to the executive administrator and handled as provided by this code and in the rules of the board.

(b) After an application, petition, or other document requiring action of the board is processed, it shall be presented to the board for action as required by law and the rules of the board.
Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Sec. 6.195. NOTICE OF APPLICATION. (a) At the time an application requiring action of the board is filed and is administratively complete, the board shall give notice of the application to any person who may be affected by the granting of the application.

(b) The board shall adopt rules for the notice required by this section.

(c) The notice must state:

(1) the identifying number given the application by the board;

(2) the name and address of the applicant;

(3) the date on which the application was submitted;
and

(4) a brief summary of the information included in the application.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Sec. 6.197. INTELLECTUAL PROPERTY OF BOARD. The executive administrator, with the approval of the board and on the board's behalf, may:

(1) acquire, apply for, register, secure, hold,

protect, and renew under the laws of this state, another state, the United States, or any other nation:

(A) a patent for the invention or discovery of:

(i) any new and useful process, machine, manufacture, composition of matter, art, or method;

(ii) any new use of a known process, machine, manufacture, composition of matter, art, or method; or

(iii) any new and useful improvement on a known process, machine, manufacture, composition of matter, art, or method;

(B) a copyright for an original work of authorship fixed in any tangible medium of expression, now known or later developed, from which the work may be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device;

(C) a trademark, service mark, collective mark, or certification mark for a word, name, symbol, device, or slogan that the board uses to identify and distinguish the board's goods and services from other goods and services; or

(D) other evidence of protection or exclusivity issued for intellectual property;

(2) contract with a person for the reproduction, public performance, display, advertising, marketing, lease, licensing, sale, use, or other distribution of the board's intellectual property;

(3) obtain under a contract described by Subdivision (2) a royalty, license right, or other appropriate means of securing reasonable compensation or thing of nonmonetary value for the exercise of rights with respect to the board's intellectual property;

(4) waive, increase, or reduce the amount of compensation or thing of nonmonetary value secured by a contract under Subdivision (3) if the executive administrator, with the approval of the board, determines that the waiver, increase, or reduction will:

(A) further a goal or mission of the board; and

(B) result in a net benefit to this state; and

(5) enforce rules adopted to implement this section.
Added by Acts 2007, 80th Leg., R.S., Ch. 382 (S.B. 616), Sec. 1,
eff. September 1, 2007.

Sec. 6.198. PURCHASE, DONATION, AND SALE OF PROMOTIONAL ITEMS. (a) The executive administrator, with the approval of the board and on the board's behalf, may purchase, donate, sell, or contract for the sale of items to promote the programs of the board, including:

- (1) caps or other clothing;
- (2) posters;
- (3) banners;
- (4) calendars;
- (5) books;
- (6) prints; and
- (7) other items as determined by the board.

(b) The board may use its Internet website to advertise and sell the items described by Subsection (a).

(c) Money received from the sale of a promotional item under this section shall be deposited in the general revenue fund and may be used only by the board to further the purposes and programs of the board.

(d) Section 403.095, Government Code, does not apply to money deposited in the general revenue fund under this section.

Added by Acts 2009, 81st Leg., R.S., Ch. 1008 (H.B. 4110), Sec. 1,
eff. September 1, 2009.

SUBCHAPTER G. JUDICIAL REVIEW

Sec. 6.241. JUDICIAL REVIEW OF ACTS. (a) A person affected by a ruling, order, decision, or other act of the board may file a petition to review, set aside, modify, or suspend the act of the board.

(b) A person affected by a ruling, order, or decision of the board must file his petition within 30 days after the effective date of the ruling, order, or decision. A person affected by an act other than a ruling, order, or decision must file his petition

within 30 days after the date the board performed the act.

(c) Orders, decisions, or other actions of the board pursuant to Subchapters E and F of Chapter 16 and to Chapter 17 of this code are not subject to appeal.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Sec. 6.242. REMEDY FOR BOARD OR EXECUTIVE ADMINISTRATOR INACTION. A person affected by the failure of the board or the executive administrator to act in a reasonable time on an application or to perform any other duty with reasonable promptness may file a petition to compel the board or the executive administrator to show cause why it should not be directed by the court to take immediate action.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Sec. 6.243. DILIGENT PROSECUTION OF SUIT. The plaintiff shall prosecute with reasonable diligence any suit brought under Section 6.241 or 6.242 of this code. If the plaintiff does not secure proper service of process or does not prosecute his suit within one year after it is filed, the court shall presume that the suit has been abandoned. The court shall dismiss the suit on a motion for dismissal made by the attorney general unless the plaintiff after receiving due notice can show good and sufficient cause for the delay.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Sec. 6.244. VENUE. A suit instituted under Section 6.241 or 6.242 of this code must be brought in a district court in Travis County.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Sec. 6.245. APPEAL OF DISTRICT COURT JUDGMENT. A judgment or order of a district court in a suit brought for or against the

board or the executive administrator is appealable as are other civil cases in which the district court has original jurisdiction. Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Sec. 6.246. APPEAL BY EXECUTIVE ADMINISTRATOR PRECLUDED. A ruling, order, decision, or other act of the board may not be appealed by the executive administrator. Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.

Sec. 6.247. LAW SUITS; CITATION. Law suits filed by and against the board or the executive administrator shall be in the name of the board. In suits against the board or the executive administrator, citation may be served on the executive administrator. Added by Acts 1985, 69th Leg., ch. 795, Sec. 1.002, eff. Sept. 1, 1985.