

By: LaMantia

S.B. No. 2182

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the provision of financial assistance from the flood
3 infrastructure fund for certain projects.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 15.531, Water Code, is amended by
6 amending Subdivisions (1) and (2) and adding Subdivision (1-a) to
7 read as follows:

8 (1) "Artificial drainage system" means a system to
9 remove floodwater in a community that lacks topographic relief,
10 slope, and naturally defined floodways.

11 (1-a) "Eligible political subdivision" means a
12 district or authority created under Section 52, Article III, or
13 Section 59, Article XVI, Texas Constitution, a municipality, or a
14 county.

15 (2) "Flood project" means a drainage, flood
16 mitigation, or flood control project, including:

17 (A) planning and design activities;

18 (B) work to obtain regulatory approval to provide
19 nonstructural and structural flood mitigation and drainage;

20 (C) construction of structural flood mitigation
21 and drainage infrastructure, including an artificial drainage
22 system; and

23 (D) construction and implementation of
24 nonstructural projects, including projects that use nature-based

1 features to protect, mitigate, or reduce flood risk.

2 SECTION 2. Subchapter I, Chapter 15, Water Code, is amended
3 by adding Section 15.5345 to read as follows:

4 Sec. 15.5345. PRIORITIZATION OF AND LOAN FORGIVENESS FOR
5 PROJECTS BY CERTAIN DISTRICTS OR AUTHORITIES. (a) This section
6 applies only to an eligible political subdivision that is a
7 district or authority created under Section 52, Article III, or
8 Section 59, Article XVI, Texas Constitution, and that:

9 (1) is located in a county located on the
10 international border; and

11 (2) has completed a hydrologic and hydraulic study for
12 the territory of the district or authority.

13 (b) The board by rule shall establish a program that:

14 (1) prioritizes the provision from the fund of grants
15 or no-interest loans to a district or authority for the
16 construction or improvement of an artificial drainage system; and

17 (2) provides loan forgiveness for a loan made under
18 Subdivision (1) for the construction of an artificial drainage
19 system.

20 (c) The board by rule shall adopt scoring criteria to
21 prioritize projects by a district or authority that are eligible
22 for financial assistance under this section. The criteria must
23 give priority to artificial drainage projects in areas with low or
24 moderate income that have a regional effect and who serve
25 communities for whom drainage problems have a demonstrated effect
26 on human health.

27 (d) Loan forgiveness described by Subsection (b)(2) may,

1 for a period not to exceed five years, annually forgive not less
2 than 10 percent or more than 20 percent of a loan made from the fund
3 under this section.

4 SECTION 3. Section 15.536, Water Code, is amended to read as
5 follows:

6 Sec. 15.536. APPROVAL OF APPLICATIONS. (a) On review and
7 recommendation by the executive administrator, the board may
8 approve an application only if the board finds that:

9 (1) the application and the assistance applied for
10 meet the requirements of this subchapter and board rules;

11 (2) the application demonstrates a sufficient level of
12 cooperation among eligible political subdivisions and includes all
13 of the eligible political subdivisions substantially affected by
14 the flood project; and

15 (3) the taxes or other revenue, or both the taxes and
16 other revenue, pledged by the applicant will be sufficient to meet
17 all the obligations assumed by the eligible political subdivision.

18 (b) Subsection (a)(3) does not apply to an application for a
19 loan to a district or authority under Section 15.5345.

20 SECTION 4. This Act takes effect September 1, 2023.