

By: Flores

H.B. No. 2254

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of nonborder areas for certain state assistance and coordinated outreach.

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

SECTION 1. Section 15.008, Water Code, is amended to read as follows:

Sec. 15.008. GRANT STANDARDS. The law regarding uniform grants and contract management, Chapter 783, Government Code, does not apply to a contract under Subchapter F, H, K, or P, or to a contract relating to an economically distressed area [~~or nonborder colonia~~] under Subchapter C.

SECTION 2. Section 15.102(b), Water Code, as amended by Chapters 966, 1234, and 1367, Acts of the 77th Legislature, Regular Session, 2001, is reenacted and amended to read as follows:

(b) The loan fund may also be used by the board to provide:

(1) grants or loans for[~~+(1)~~] projects that include supplying water and wastewater services in economically distressed areas [~~or nonborder colonias~~] as provided by legislative appropriations, this chapter, and board rules, including projects involving retail distribution of those services; and

(2) grants for:

(A) [~~(2)~~] projects for which federal grant funds are placed in the loan fund;

(B) [~~(3)~~] projects, on specific legislative

1 appropriation for those projects; or

2 (C) [~~4~~] desalination, brush control, weather
3 modification, regionalization, and projects providing regional
4 water quality enhancement services as defined by board rule,
5 including regional conveyance systems.

6 SECTION 3. Section 15.105(a), Water Code, is amended to
7 read as follows:

8 (a) In passing on an application for financial assistance
9 from the loan fund, the board shall consider but is not limited to:

10 (1) the needs of the area to be served by the project
11 and the benefit of the project to the area in relation to the needs
12 of other areas requiring state assistance in any manner and the
13 benefits of those projects to the other areas;

14 (2) the availability of revenue to the applicant from
15 all sources for the ultimate repayment of the cost of the project,
16 including all interest;

17 (3) the relationship of the project to overall
18 statewide needs;

19 (4) the ability of the applicant to finance the
20 project without state assistance;

21 (5) for applications for grants or loans for
22 economically distressed areas [~~or nonborder colonies~~], the
23 regulatory efforts by the county in which the project is located to
24 control the construction of subdivisions that lack basic utility
25 services; and

26 (6) for applications for grants under Section
27 15.102(b)(2), the ability of the applicant to construct the project

1 without the grant and the benefits of the project to water and
2 wastewater needs of the state.

3 SECTION 4. Section 775.002(c), Government Code, is amended
4 to read as follows:

5 (c) The colonia initiatives coordinator may work with the
6 other agencies and local officials involved in colonia projects in
7 the state to:

8 (1) coordinate efforts to address colonia issues;

9 (2) identify nonprofit self-help groups to help with
10 colonia initiatives;

11 (3) set goals for each state fiscal year for colonia
12 initiatives in the state, including goals to:

13 (A) address easement problems; and

14 (B) ensure that water and wastewater connections
15 are extended from distribution lines to houses located in colonias;
16 and

17 (4) ensure that the goals set under this subsection
18 are met each state fiscal year [~~, and~~

19 [~~(5) coordinate state outreach efforts to nonborder~~
20 ~~colonias and to political subdivisions capable of providing water~~
21 ~~and wastewater services to nonborder colonias]].~~

22 SECTION 5. Section 2306.581(1), Government Code, is amended
23 to read as follows:

24 (1) "Colonia" means a geographic area located in a
25 county some part of which is within 50 [~~150~~] miles of the
26 international border of this state and that:

27 (A) has a majority population composed of

1 individuals and families of low income and very low income, based on
2 the federal Office of Management and Budget poverty index, and
3 meets the qualifications of an economically distressed area under
4 Section 17.921, Water Code; or

5 (B) has the physical and economic
6 characteristics of a colonia, as determined by the department.

7 SECTION 6. Section 15.001(12), Water Code, as added by
8 Chapter 1367, Acts of the 77th Legislature, Regular Session, 2001,
9 is repealed.

10 SECTION 7. Section 775.001(3), Government Code, is
11 repealed.

12 SECTION 8. The changes in law made by Sections 1, 2, 3, 5,
13 and 6 of this Act apply only to an application for assistance that
14 is filed on or after the effective date of this Act.

15 SECTION 9. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2003.