

By: Hope (Senate Sponsor - Averitt) H.B. No. 1657
(In the Senate - Received from the House April 11, 2005;
April 12, 2005, read first time and referred to Committee on
Natural Resources; April 20, 2005, reported favorably by the
following vote: Yeas 10, Nays 0; April 20, 2005, sent to printer.)

A BILL TO BE ENTITLED
AN ACT

relating to the administration by the Texas Water Development Board
of certain water-related programs financed by federal funds.

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

SECTION 1. Section 16.093, Water Code, is amended to read as
follows:

Sec. 16.093. PARTICIPATION IN FEDERAL PROGRAMS [GRANTS FOR
THE CONSTRUCTION OF TREATMENT WORKS, PROCESSING FEES]. (a) The
board may execute agreements with the United States Environmental
Protection Agency or its successor agency and any other federal
agency that administers programs providing federal grants, loans,
or other assistance to local or state governments or other persons
for water supply projects, treatment works, or structural or
nonstructural flood control measures, as those terms are defined by
Section 17.001 ~~[the construction of treatment works, as defined in
Section 17.272 of this code]~~. The board may exercise all duties and
responsibilities required for the administration by the board of a
[the] federal ~~[construction grant]~~ program described by this
subsection.

(b) The executive administrator, with the approval of the
board, may execute agreements with the United States Environmental
Protection Agency or its successor agency and any other federal
agency for activities described by Subsection (a) [Each applicant
for a federal construction grant, under a grant program
administered by the board, shall pay to the board a reasonable grant
processing fee as prescribed by the board. The grant processing fee
charged by the board shall be cost-eligible under the grant program
and shall not exceed one-half of one percent of the total eligible
project cost, including the planning, design, and construction
phases, for any one project. The board shall promulgate
regulations establishing schedules for timely payment of grant
processing fees. For grants awarded in steps under a federal
program, the time schedule for payment of grant processing fees
shall provide for payment reasonably apportioned among each step
grant awarded. The grant processing fee for each step grant or for
any other grant not awarded in steps shall be due and payable
immediately following the award of such grant. No grant processing
fee shall be levied for any grant awarded prior to the effective
date of this Act, but the grant processing fee established in this
Subsection (b) shall be levied on grants awarded on or after the
effective date of this Act where the board has processed the grant
pursuant to an agreement with the United States Environmental
Protection Agency, or its successor agency, or any other federal
agency that administers programs providing federal grants to local
governments for the construction of treatment works].

(c) The board may accept and use federal funds for the
purposes provided by Subsection (a) [All grant processing fees
collected by the board shall be deposited in a special fund of the
state treasury for use by the board in processing and administering
the grant programs, and shall not be deposited in the general
revenue fund of the state].

SECTION 2. This Act does not affect the power of any state
agency other than the Texas Water Development Board to obtain and
use federal funds.

SECTION 3. This Act takes effect immediately if it receives
a vote of two-thirds of all the members elected to each house, as
provided by Section 39, Article III, Texas Constitution. If this
Act does not receive the vote necessary for immediate effect, this

2-1 Act takes effect September 1, 2005.

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