

BILL ANALYSIS

H.B. 230
By: Larson
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that both water quality and quantity can be protected through voluntary conservation programs, such as conservation easements, but that the state has invested only a small fraction of its public funding toward such purposes. H.B. 230 seeks to address this issue by providing for a program to promote the acquisition of conservation easements.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Water Development Board in SECTION 2 of this bill.

ANALYSIS

H.B. 230 amends the Water Code to clarify the state water pollution control revolving fund's purpose as being the provision of financial assistance to persons for projects eligible for assistance under certain provisions of the Federal Water Pollution Control Act, including water quality control projects provided by the bill. The bill requires the Texas Water Development Board (TWDB), in conjunction with or separate from the account in the revolving fund for nonpoint source pollution control and abatement projects, by rule to establish a program to promote the acquisition by eligible applicants of conservation easements and requires the TWDB to adopt the rules not later than April 1, 2018. The bill requires acquisitions made through the program to have a demonstrable impact on water quality control, as determined by the TWDB. The bill requires the TWDB to ensure that the amounts of any funds used for such a program are consistent with maintaining the perpetuity of the revolving fund.

H.B. 230 revises certain conditions under which the TWDB may use the revolving fund to make a loan. The bill changes the term of a loan from a term capped at 20 years to a term capped at the lesser of 30 years or the projected useful life, as determined by the TWDB, of the project to be financed with the proceeds of the loan. The bill changes the commencement of principal and interest payments from not later than one year after completion of any treatment works to not later than one year after completion of the project to be financed with the proceeds of the loan. The bill changes the time frame by which a loan is to be fully amortized from not later than 20 years after completion of the treatment works to not later than the expiration date of the term of the loan. The bill requires certain projects financed through the revolving fund to have a demonstrable impact on water quality control, as determined by the TWDB. The bill requires the TWDB to ensure that the amounts of any funds used for such a project are consistent with maintaining the perpetuity of the revolving fund.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, December 1, 2017.