



FRANK *9/23*

FLOOR AMENDMENT NO. _____

BY: Zutewer

1 Amend C.S.S.B. 3 (house committee report) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Chapter 418, Government Code, is amended by
5 adding Subchapter J to read as follows:

6 SUBCHAPTER J. CRITICAL INFRASTRUCTURE PREPAREDNESS FUND

7 Sec. 418.301. DEFINITION. In this subchapter, "fund" means
8 the critical infrastructure preparedness fund.

9 Sec. 418.302. CRITICAL INFRASTRUCTURE PREPAREDNESS FUND.

10 (a) The critical infrastructure preparedness fund is a special
11 fund in the state treasury outside the general revenue fund.

12 (b) The fund may be used by the division only as provided by
13 this subchapter.

14 (c) The fund consists of:

15 (1) legislative appropriations to the division for a
16 purpose of the fund;

17 (2) any revenue that by law is dedicated for deposit to
18 the fund;

19 (3) interest or other earnings on money credited to or
20 allocable to the fund;

21 (4) money from gifts, grants, or donations to the
22 fund; and

23 (5) money under the division's control that the
24 division designates for deposit to the fund.

25 Sec. 418.303. USE OF FUND. The division may use the fund
26 only to:

27 (1) make a grant to an eligible entity under this
28 subchapter; and

29 (2) pay the necessary and reasonable expenses of

1 administering the fund.

2 Sec. 418.304. ELECTRIC GRID IMPROVEMENT ACCOUNT. (a) The
3 electric grid improvement account is an account in the fund.

4 (b) The account consists of:

5 (1) legislative appropriations to the division for a
6 purpose of the account; and

7 (2) money from gifts, grants, or donations to the
8 division for a purpose of the account.

9 (c) Subject to Subsection (d), the division may use the
10 account only to make matching grants to eligible entities for
11 hardening, weatherizing, and enhancing the reliability of the
12 electric grid, including:

13 (1) installing advanced meter infrastructure and
14 demand response technology;

15 (2) improving load shed capabilities;

16 (3) incentivizing customers to engage in distributed
17 energy production and energy efficiency measures;

18 (4) installing electric energy storage; and

19 (5) weatherizing facilities.

20 (d) The division may not use the account to make grants for
21 routine vegetation management.

22 (e) An entity is eligible to receive a matching grant under
23 this section only if the entity is:

24 (1) a municipally owned electric utility;

25 (2) an electric cooperative;

26 (3) a transmission and distribution utility, as
27 defined by Section 31.002, Utilities Code; or

28 (4) a vertically integrated utility.

29 (f) In making grants under this section, the division:

30 (1) shall consider:

31 (A) the expected number of individuals who will

1 benefit from the project;
2 (B) existing infrastructure and overall need for
3 the project;
4 (C) the potential benefit of the project to:
5 (i) low-income communities; and
6 (ii) areas in disparate parts of the state;
7 (D) the equitable distribution of grants
8 throughout the state;
9 (E) the existence of matching federal funds for
10 the project and whether available federal funds have been
11 exhausted; and
12 (F) the total impact of the project on the
13 preparedness of the state's electric grid; and
14 (2) may consult with the Public Utility Commission of
15 Texas.
16 (g) The division shall condition each grant awarded under
17 this section on the grant recipient providing funds from non-state
18 sources in a total amount at least equal to 10 percent of the grant
19 amount, with at least five percent of the recipient's match coming
20 from local sources.

21 Sec. 418.305. HOSPITAL INFRASTRUCTURE PREPAREDNESS
22 ACCOUNT. (a) The hospital infrastructure preparedness account is
23 an account in the fund.

24 (b) The account consists of:
25 (1) legislative appropriations to the division for a
26 purpose of the account; and
27 (2) money from gifts, grants, or donations to the
28 division for a purpose of the account.

29 (c) The division may use the account only to make matching
30 grants to eligible entities for purchasing reserve power supply
31 that is reliable during an extreme weather event, such as on-site

1 generation and energy storage systems, necessary to sustain
2 critical medical care.

3 (d) An entity is eligible to receive a matching grant under
4 this section only if the entity is:

5 (1) a hospital owned by a municipality; or

6 (2) a private for-profit or nonprofit hospital.

7 (e) In making grants under this section, the division:

8 (1) shall consider:

9 (A) the expected number of individuals who will
10 benefit from the project;

11 (B) existing infrastructure and overall need for
12 the project;

13 (C) the potential benefit of the project to:

14 (i) low-income communities; and

15 (ii) areas in disparate parts of the state;

16 (D) the equitable distribution of grants
17 throughout the state;

18 (E) the existence of matching federal funds for
19 the project and whether available federal funds have been
20 exhausted; and

21 (F) the total impact of the project on the
22 state's preparedness; and

23 (2) may consult with the Health and Human Services
24 Commission.

25 (f) The division shall condition each grant awarded under
26 this section on the grant recipient:

27 (1) providing funds from non-state sources in a total
28 amount at least equal to 10 percent of the grant amount, with at
29 least five percent of the recipient's match coming from local
30 sources; and

31 (2) reimbursing the division for the amount of the

1 grant if the recipient ceases operation or relocates before the
2 fifth anniversary of the date on which the project for which the
3 grant was made is completed.

4 Sec. 418.306. NURSING HOME PREPAREDNESS ACCOUNT. (a) The
5 nursing home preparedness account is an account in the fund.

6 (b) The account consists of:

7 (1) legislative appropriations to the division for a
8 purpose of the account; and

9 (2) money from gifts, grants, or donations to the
10 division for a purpose of the account.

11 (c) The division may use the account only to make matching
12 grants to eligible entities for purchasing reserve power supply
13 that is reliable during an extreme weather event, such as on-site
14 generation and energy storage systems, necessary to:

15 (1) sustain critical medical care; or

16 (2) maintain the air temperature in the entity's
17 facilities.

18 (d) An entity is eligible to receive a matching grant under
19 this section only if the entity is:

20 (1) a nursing facility, as defined by Section 242.301,
21 Health and Safety Code; or

22 (2) an assisted living facility, as defined by Section
23 247.002, Health and Safety Code.

24 (e) In making grants under this section, the division may
25 consult with the Health and Human Services Commission.

26 (f) If the division receives more qualifying applications
27 for a grant under this section than the division has available money
28 to fully fund, the division may reduce the amount of each grant made
29 under this section in proportion to the number of individuals
30 served by the grant applicant.

31 (g) The division shall condition each grant awarded under

1 this section on the grant recipient:

2 (1) providing funds from non-state sources in a total
3 amount at least equal to 10 percent of the grant amount, with at
4 least five percent of the recipient's match coming from local
5 sources; and

6 (2) reimbursing the division for the amount of the
7 grant if the recipient ceases operation or relocates before the
8 fifth anniversary of the date on which the project for which the
9 grant was made is completed.

10 Sec. 418.307. DIALYSIS INFRASTRUCTURE ACCOUNT. (a) The
11 dialysis infrastructure account is an account in the fund.

12 (b) The account consists of:

13 (1) legislative appropriations to the division for a
14 purpose of the account; and

15 (2) money from gifts, grants, or donations to the
16 division for a purpose of the account.

17 (c) The division may use the account only to make matching
18 grants to end stage renal disease facilities, as defined by Section
19 251.001, Health and Safety Code, for purchasing reserve power
20 supply that is reliable during an extreme weather event, such as
21 on-site generation and energy storage systems, necessary to sustain
22 critical medical care.

23 (d) In making grants under this section, the division:

24 (1) shall consider:

25 (A) the expected number of individuals who will
26 benefit from the project;

27 (B) existing infrastructure and overall need for
28 the project;

29 (C) the potential benefit of the project to:

30 (i) low-income communities; and

31 (ii) areas in disparate parts of the state;

1 (D) the equitable distribution of grants
2 throughout the state;

3 (E) the existence of matching federal funds for
4 the project and whether available federal funds have been
5 exhausted; and

6 (F) the total impact of the project on the
7 state's preparedness; and

8 (2) may consult with the Health and Human Services
9 Commission.

10 (e) If the division receives more qualifying applications
11 for a grant under this section than the division has available money
12 to fully fund, the division may reduce the amount of each grant made
13 under this section in proportion to the number of individuals
14 served by the grant applicant.

15 (f) The division shall condition each grant awarded under
16 this section on the grant recipient:

17 (1) providing funds from non-state sources in a total
18 amount at least equal to 10 percent of the grant amount, with at
19 least five percent of the recipient's match coming from local
20 sources; and

21 (2) reimbursing the division for the amount of the
22 grant if the recipient ceases operation or relocates before the
23 fifth anniversary of the date on which the project for which the
24 grant was made is completed.

25 Sec. 418.308. RULES. The division shall adopt rules
26 necessary to carry out this subchapter, including rules:

27 (1) that establish procedures for an application for
28 and the award of financial assistance;

29 (2) for the investment of money; and

30 (3) for the administration of the fund.

31 SECTION _____. Section 15.001(6), Water Code, is amended to

1 read as follows:

2 (6) "Project" means:

3 (A) any undertaking or work, including planning
4 activities and work to obtain regulatory authority at the local,
5 state, and federal level, to conserve, convey, and develop water
6 resources in the state, to provide for the maintenance and
7 enhancement of the quality of the water of the state, to provide
8 nonstructural and structural flood control, drainage, subsidence
9 control, recharge, chloride control, brush control, precipitation
10 enhancement, and desalinization, to provide for the acquisition of
11 water rights and the repair of unsafe dams, to provide for the
12 weatherization of water and wastewater facilities, and to carry out
13 other purposes defined by board rules;

14 (B) any undertaking or work outside the state to
15 provide for the maintenance and enhancement of the quality of water
16 by eliminating saline inflow through well pumping and deep well
17 injection of brine; or

18 (C) any undertaking or work by Texas political
19 subdivisions or institutions of higher education to conserve,
20 convey, and develop water resources in areas outside Texas or to
21 provide for the maintenance and enhancement of the quality of the
22 water in areas adjoining Texas, if such undertaking or work will
23 result in water being available for use in or for the benefit of
24 Texas or will maintain and enhance the quality of water in Texas.

25 SECTION _____. Section 15.102(b), Water Code, is amended to
26 read as follows:

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

28 (1) grants or loans for projects that include
29 supplying water and wastewater services in economically distressed
30 areas or nonborder colonias as provided by legislative
31 appropriations, this chapter, and board rules, including projects

1 involving retail distribution of those services; [~~and~~]

2 (2) grants for:

3 (A) projects for which federal grant funds are
4 placed in the loan fund;

5 (B) projects, on specific legislative
6 appropriation for those projects; or

7 (C) water conservation, desalination, brush
8 control, weather modification, regionalization, and projects
9 providing regional water quality enhancement services as defined by
10 board rule, including regional conveyance systems; and

11 (3) grants for emergency preparedness projects to
12 harden and weatherize water and wastewater systems in the state,
13 including:

14 (A) covering wells;

15 (B) purchasing reserve power supply, such as
16 auxiliary generation and energy storage systems; and

17 (C) building connectivity to neighboring water
18 suppliers.

19 SECTION _____. Section 15.105, Water Code, is amended by
20 adding Subsection (c) to read as follows:

21 (c) Notwithstanding Subsection (a), in passing on an
22 application for a grant described by Section 15.102(b)(3), the
23 board shall:

24 (1) consider:

25 (A) the expected number of individuals who will
26 benefit from the project;

27 (B) existing infrastructure and overall need for
28 the project;

29 (C) the potential benefit of the project to:

30 (i) low-income communities; and

31 (ii) areas in disparate parts of the state;

1 (D) the equitable distribution of grants
2 throughout the state;

3 (E) the existence of matching federal funds for
4 the project and whether available federal funds have been
5 exhausted; and

6 (F) the total impact of the project on the
7 state's preparedness; and

8 (2) consult with the Texas Division of Emergency
9 Management.

10 SECTION _____. Section 15.107, Water Code, is amended by
11 adding Subsection (d) to read as follows:

12 (d) Notwithstanding any other provision of this section,
13 the board shall condition each grant awarded under Section
14 15.102(b)(3) on the grant recipient providing funds from non-state
15 sources in a total amount at least equal to 10 percent of the grant
16 amount, with at least five percent of the recipient's match coming
17 from local sources.