

BILL ANALYSIS

Senate Research Center
87R6424 SLB-F

S.B. 1176
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Water, Agriculture & Rural Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1176 would remove certain regional water planning duties that are underfunded and are no longer informative. This includes requirements for regional water planning groups to prepare the infrastructure financing report and to prioritize projects at the regional level.

Infrastructure Financing Report: regional water planning groups currently prepare a report that is required to detail how local entities propose to pay for projects in the plan and make recommendations concerning the state's role in financing projects. This was a useful tool to assess and corroborate financing needs prior to the development of the SWIFT program, but demand on the SWIFT program is currently a better indicator of the need for state assistance.

Prioritization of projects by regional water planning groups: regional water planning groups are required by statute to prioritize projects in regional plans, which involves significant effort. However, the agency only prioritizes projects that apply for funding through the SWIFT program so that work by the regional groups does not contribute proportionally to the final scores. This recommendation would also remove the uniform standards stakeholder committee that is tasked with setting consistent standards for prioritization across the regions.

As proposed, S.B. 1176 amends current law relating to relieving regional water planning groups of certain duties.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Water Development Board is modified in SECTION 4 (Section 15.439, Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 15.435(g), Water Code, to delete existing text prohibiting the Texas Water Development Board (TWDB) from directing the Texas Treasury Safekeeping Trust Company to enter into a bond enhancement agreement with respect to bonds issued by TWDB the proceeds of which are authorized to be used to provide financial assistance to an applicant if at the time of the request the applicant has failed to satisfactorily complete a request by the executive administrator of TWDB (executive administrator) or a regional water planning group for information relevant to the project for which the financial assistance is sought, including a water infrastructure financing survey under Section 16.053(q) (relating to required contents for the report to TWDB). Makes nonsubstantive changes.

SECTION 2. Amends Section 15.437(d), Water Code, to delete existing text requiring TWDB to also consider the priority given the project by the applicable regional water planning ground under Section 15.436 (Prioritization of Projects By Regional Water Planning Groups) in prioritizing projects.

SECTION 3. Amends Section 15.438(g), Water Code, to delete existing text requiring that the submission by the State Water Implementation Fund for Texas Advisory Committee regarding the use of money in the State Water Implementation Fund for Texas (fund) for use by TWDB in adopting rules and in adopting policies and procedures include comments and recommendations

on rulemaking related to the prioritization of projects in regional water plans and the state water plan in accordance with Section 15.436.

SECTION 4. Amends Section 15.439(a), Water Code, to delete existing text requiring TWDB to adopt rules specifying the manner for prioritizing projects for purposes of Section 15.436. Makes a nonsubstantive change.

SECTION 5. Amends Section 15.912(b), Water Code, to delete existing text prohibiting TWDB from accepting an application for a loan or grant of financial assistance from the fund for a project recommended through the state and regional water planning processes if the applicant has failed to complete a water infrastructure financing survey under Section 16.053(q).

SECTION 6. Amends Section 15.975(d), Water Code, to delete existing text prohibiting TWDB from approving an application if the applicant has failed to satisfactorily complete a request by the executive administrator or a regional planning group for a water infrastructure financing survey under Section 16.053(q).

SECTION 7. Amends Section 16.131(b), Water Code, to delete existing text prohibiting TWDB from using the state participation account of the development fund to finance a project recommended through the state and regional water planning processes if the applicant has failed to complete a water infrastructure financing survey under Section 16.053(q).

SECTION 8. Repealer: Section 15.436 (Prioritization of Projects by Regional Water Planning Groups), Water Code.

Repealer: Section 16.053(q) (relating to required reports regarding water infrastructure project financing), Water Code.

SECTION 9. Effective date: September 1, 2021.