88R10900 JAM-D

By:  LaMantia S.B. No. 2234

A BILL TO BE ENTITLED

AN ACT

relating to the provision of financial assistance by the Texas Water Development Board for the development of certain projects in economically distressed areas.

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

SECTION 1.  Section 17.927(b), Water Code, is amended to read as follows:

(b)  The application and plan must include:

(1)  the name of the political subdivision and its principal officers;

(2)  a citation of the law under which the political subdivision was created and operates;

(3)  a project plan, prepared and certified by an engineer registered to practice in this state, that must:

(A)  describe the proposed planning, design, and construction activities necessary to provide water supply and sewer services that meet minimum state standards provided by board rules; and

(B)  identify the households to which the water supply and sewer services will be provided;

(4)  a budget that estimates the total cost of providing water supply and sewer services to the economically distressed area and a proposed schedule and method for repayment of financial assistance consistent with board rules and guidelines;

(5)  a description of the existing water supply and sewer facilities located in the area to be served by the proposed project, including a statement prepared and certified by an engineer registered to practice in this state that the facilities do not meet minimum state standards;

(6)  documentation that the appropriate political subdivision has adopted and enforces the model rules developed under Section 16.343;

(7)  information identifying the median household income for:

(A)  the census block of the area to be served by the proposed project; and

(B)  the entire service area of the political subdivision that is the subject of the application;

(8)  the total amount of assistance requested from the economically distressed areas account; and

(9)  the water conservation plan required by Section 16.4021.

SECTION 2.  Section 17.929, Water Code, is amended by adding Subsection (c) to read as follows:

(c)  In making a finding under Subsection (b) regarding the household income of the area to be served by a proposed project, the board may consider:

(1)  the census block of the area served; or

(2)  the entire service area of the political subdivision that is the subject of the application.

SECTION 3.  Section 17.933(b), Water Code, is amended to read as follows:

(b)  In providing financial assistance to an applicant under this subchapter, the board may not provide to the applicant financial assistance for which repayment is not required in an amount that exceeds 70 [~~50~~] percent of the total amount of the financial assistance[~~, unless the board or the Department of State Health Services determines that a nuisance dangerous to the public health and safety exists resulting from water supply and sanitation problems in the area to be served by the proposed project~~]. The board may provide the repayable portion of financial assistance from any financial assistance program for which the applicant is eligible. The applicant shall provide to the board or the Department of State Health Services information necessary to make a determination, and the board and the Department of State Health Services may enter into necessary memoranda of understanding to carry out this subsection.

SECTION 4.  The changes in law made by this Act apply only to an application for financial assistance submitted to the Texas Water Development Board on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 5.  This Act takes effect September 1, 2023.