

BILL ANALYSIS

Senate Research Center
79R10713 QS-F

H.B. 1657
By: Hope (Averitt)
Natural Resources
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The Texas Water Development Board (TWDB) believes that under current law it does not have the statutory authority to receive State and Tribal Assistance Grants (STAG) for specific purposes. Congress, at various times, provides STAG funds to cities to be administered by the United States Environmental Protection Agency (EPA), to be used for water and wastewater projects. EPA is authorized to use up to three percent of each grant as a grant to the state to administer and oversee the STAG projects. In return for the administrative grant, the state assumes all major oversight roles relating to the planning, design, and building phases of the special projects. TWDB interpreted Section 16.093, Water Code, to authorize the agency to participate in the EPA's STAG program, but only for wastewater projects, and not for water supply projects or water-wastewater combination projects. TWDB was encouraged by EPA to apply for STAG funding to administer water or wastewater projects in Texas, but did not believe it had authority to do so because of the limitations in Section 16.093.

H.B. 1657 clarifies and broadens TWDB's authority to receive federal grants, loans, and other assistance from any federal agency for water supply projects, treatment works, or structural or nonstructural flood control measures.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 16.093, Water Code, as follows:

Sec. 16.093. New heading: PARTICIPATION IN FEDERAL PROGRAMS. (a) Authorizes the Texas Water Development Board (TWDB) to execute agreements with the United States Environmental Protection Agency (EPA) or its successor agency or 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 (Definitions). Authorizes TWDB to exercise all duties and responsibilities required for the administration by TWDB of a federal program described by this subsection.

(b) Authorizes the executive administrator of TWDB, with the approval of TWDB, to execute agreements with the EPA or its successor agency and any other agency for activities described by Subsection (a). Deletes existing text regarding fees payable to TWDB for grant processing and guidelines for federal grants.

(c) Authorizes TWDB to accept and use federal funds for the purposes provided by Subsection (a). Deletes existing text referring to the appropriate accounts for depositing grant processing fees.

SECTION 2. Provides that this Act does not affect the power of any state agency other than TWDB to obtain and use federal funds.

SECTION 3. Effective date: upon passage or September 1, 2005.