

All Prefiled Amendments for: SB 7

Phelan

Amendment

861690

**The following amendment was
published on 5/15/19 10:18 AM**



2019 MAY 14 PM 4:32
HOUSE OF REPRESENTATIVES
BY: Phelan

FLOOR AMENDMENT NO. _____

1 Amend C.S.S.B. No. 7 (house committee printing) by striking
2 all below the enacting clause and substituting the following:

3 ARTICLE 1. FLOOD CONTROL PLANNING

4 SECTION 1.01. The heading to Section 15.405, Water Code, is
5 amended to read as follows:

6 Sec. 15.405. FLOOD CONTROL PLANNING CONTRACTS.

7 SECTION 1.02. Section 15.405, Water Code, is amended by
8 amending Subsections (a), (f), and (g) and adding Subsection (a-1)
9 to read as follows:

10 (a) In this section, "flood control planning" means any work
11 related to:

- 12 (1) planning for flood protection;
13 (2) preparing applications for and obtaining
14 regulatory approvals at the local, state, or federal level;
15 (3) activities associated with administrative or
16 legal proceedings by regulatory agencies; and
17 (4) preparing engineering plans and specifications to
18 provide structural or nonstructural flood mitigation and drainage.

19 (a-1) The board may enter into contracts with political
20 subdivisions to pay from the research and planning fund all or part
21 of the cost of ~~developing~~ flood control planning ~~plans~~ for the
22 political subdivision.

23 (f) The board shall adopt rules establishing criteria of
24 eligibility for flood control planning money that considers:

- 25 (1) the relative need of the political subdivision for
26 the money, giving greater importance to a county that has a median
27 household income that is not greater than 85 percent of the median
28 state household income;

- 29 (2) the legal authority of the political subdivision

1 to plan for and control flooding; and

2 (3) the effect of flood control planning by the
3 political subdivision on overall flood control in the state and
4 within the area in which the political subdivision is located.

5 (g) The board shall require that flood control planning
6 documents [~~plans~~] developed under contracts entered into under this
7 section be made available to the commission.

8 ARTICLE 2. FLOOD INFRASTRUCTURE FUND

9 SECTION 2.01. Chapter 15, Water Code, is amended by adding
10 Subchapter I to read as follows:

11 SUBCHAPTER I. FLOOD INFRASTRUCTURE FUND

12 Sec. 15.531. DEFINITIONS. In this subchapter:

13 (1) "Eligible political subdivision" means a district
14 or authority created under Section 52, Article III, or Section 59,
15 Article XVI, Texas Constitution, a municipality, or a county.

16 (2) "Flood project" means a drainage, flood
17 mitigation, or flood control project, including:

18 (A) planning and design activities;

19 (B) work to obtain regulatory approval to provide
20 nonstructural and structural flood mitigation and drainage;

21 (C) construction of structural flood mitigation
22 and drainage infrastructure; and

23 (D) construction and implementation of
24 nonstructural projects, including projects that use nature-based
25 features to protect, mitigate, or reduce flood risk.

26 (3) "Infrastructure fund" means the flood
27 infrastructure fund.

28 (4) "Metropolitan statistical area" means an area so
29 designated by the United States Office of Management and Budget.

30 Sec. 15.532. FINDINGS. The legislature finds that:

31 (1) the creation of the infrastructure fund and the

1 administration of the fund by the board will encourage the
2 development of nonstructural and structural flood mitigation in the
3 state;

4 (2) the use of the infrastructure fund is in
5 furtherance of the public purpose of mitigating the effects of
6 flooding in the state; and

7 (3) the use of the infrastructure fund for the
8 purposes provided by this subchapter is for the benefit of both the
9 state and the political subdivisions to which the board makes
10 financial assistance available in accordance with this subchapter
11 and constitutes a program under Sections 49-d-3 and 52-a, Article
12 III, Texas Constitution.

13 Sec. 15.533. FLOOD INFRASTRUCTURE FUND. (a) The flood
14 infrastructure fund is a special fund in the state treasury outside
15 the general revenue fund.

16 (b) The infrastructure fund may be used by the board,
17 without further legislative appropriation, only as provided by this
18 subchapter.

19 (c) The infrastructure fund consists of:

20 (1) appropriations from the legislature for a purpose
21 of the infrastructure fund;

22 (2) proceeds of general obligation bonds issued for a
23 purpose of the infrastructure fund;

24 (3) any fees or other sources of revenue that the
25 legislature dedicates for deposit to the infrastructure fund;

26 (4) repayments of loans made from the infrastructure
27 fund;

28 (5) interest earned on money credited to the
29 infrastructure fund;

30 (6) depository interest allocable to the
31 infrastructure fund;

1 (7) money from gifts, grants, or donations to the
2 infrastructure fund; and

3 (8) money from revenue bonds or other sources
4 designated by the board for deposit to the infrastructure fund.

5 Sec. 15.534. USE OF INFRASTRUCTURE FUND. (a) The board may
6 use the infrastructure fund only:

7 (1) to make a loan to an eligible political
8 subdivision at or below market interest rates for a flood project;

9 (2) to make a grant, low interest loan, or zero
10 interest loan to an eligible political subdivision for:

11 (A) a flood project to serve an area outside of a
12 metropolitan statistical area in order to ensure that the flood
13 project is implemented; or

14 (B) a flood project to serve an economically
15 distressed area;

16 (3) to make a loan at or below market interest rates
17 for planning and design costs, permitting costs, and other costs
18 associated with state or federal regulatory activities with respect
19 to a flood project;

20 (4) to make a grant to an eligible political
21 subdivision to provide matching funds to enable the eligible
22 political subdivision to participate in a federal program for a
23 flood project;

24 (5) as a source of revenue or security for the payment
25 of principal and interest on bonds issued by the board if the
26 proceeds of the sale of the bonds will be deposited in the
27 infrastructure fund; and

28 (6) to pay the necessary and reasonable expenses of
29 the board in administering the infrastructure fund.

30 (b) Principal and interest payments on loans made under
31 Subsection (a)(3) may be deferred for not more than 10 years or

1 until construction of the flood project is completed, whichever is
2 earlier.

3 Sec. 15.535. APPLICATION REQUIREMENTS. (a) Except as
4 provided by Subsection (c), an eligible political subdivision
5 applying for financial assistance under this subchapter for a
6 proposed flood project must demonstrate in the application that:

7 (1) the eligible political subdivision has acted
8 cooperatively with other political subdivisions to address flood
9 control needs in the area in which the eligible political
10 subdivisions are located;

11 (2) all eligible political subdivisions substantially
12 affected by the proposed flood project have participated in the
13 process of developing the proposed flood project;

14 (3) the eligible political subdivisions, separately
15 or in cooperation, have held public meetings to accept comment on
16 proposed flood projects from interested parties; and

17 (4) the technical requirements for the proposed flood
18 project have been completed and compared against any other
19 potential flood projects in the same area.

20 (b) The application must include an analysis of whether the
21 proposed flood project could use floodwater capture techniques for
22 water supply purposes, including floodwater harvesting, detention
23 or retention basins, or other methods of capturing storm flow or
24 unappropriated flood flow.

25 (c) An eligible political subdivision applying for
26 assistance under Section 15.534(a)(3) is not required to make the
27 demonstration described by Subsection (a)(4) of this section.

28 Sec. 15.536. APPROVAL OF APPLICATIONS. On review and
29 recommendation by the executive administrator, the board may
30 approve an application only if the board finds that:

31 (1) the application and the assistance applied for

1 meet the requirements of this subchapter and board rules;

2 (2) the application demonstrates a sufficient level of
3 cooperation among eligible political subdivisions and includes all
4 of the eligible political subdivisions substantially affected by
5 the flood project; and

6 (3) the taxes or other revenue, or both the taxes and
7 other revenue, pledged by the applicant will be sufficient to meet
8 all the obligations assumed by the eligible political subdivision.

9 Sec. 15.537. RULES. The board shall adopt rules necessary
10 to carry out this subchapter, including rules:

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

13 (2) for the investment of money; and

14 (3) for the administration of the infrastructure fund.

15 Sec. 15.538. INFORMATION CLEARINGHOUSE. The board shall
16 act as a clearinghouse for information about state and federal
17 flood planning, mitigation, and control programs that may serve as
18 a source of funding for flood projects.

19 Sec. 15.539. LIABILITY. Participation in cooperative flood
20 planning to obtain money under this subchapter does not subject an
21 eligible political subdivision to civil liability in regard to a
22 flood project.

23 SECTION 2.02. Subchapter H, Chapter 49, Water Code, is
24 amended by adding Section 49.239 to read as follows:

25 Sec. 49.239. COOPERATIVE FLOOD CONTROL. A district,
26 including a river authority, may participate in cooperative flood
27 control planning for the purpose of obtaining financial assistance
28 as an eligible political subdivision for a flood control project
29 under Subchapter I, Chapter 15.

30 SECTION 2.03. Contingent on legislation of the 86th
31 Legislature, Regular Session, 2019, that requires the creation of a

1 state flood plan passing and becoming law, on the date that the
2 Texas Water Development Board adopts the initial state flood plan
3 in accordance with that law:

4 (1) Section 15.534, Water Code, as added by this Act,
5 expires; and

6 (2) Subchapter I, Chapter 15, Water Code, is amended
7 by adding Section 15.5341 to read as follows:

8 Sec. 15.5341. USE OF INFRASTRUCTURE FUND. (a) The board may
9 use the infrastructure fund only to provide financing for flood
10 projects included in the state flood plan.

11 (b) Money from the infrastructure fund may be awarded to
12 several eligible political subdivisions for a single flood project.

13 ARTICLE 3. TEXAS INFRASTRUCTURE RESILIENCY FUND

14 SECTION 3.01. Chapter 16, Water Code, is amended by adding
15 Subchapter L to read as follows:

16 SUBCHAPTER L. FLOOD PROJECT FUNDING

17 Sec. 16.451. DEFINITIONS. In this subchapter:

18 (1) "Advisory committee" means the Texas
19 Infrastructure Resiliency Fund Advisory Committee.

20 (2) "Eligible political subdivision" means a district
21 or authority created under Section 52, Article III, or Section 59,
22 Article XVI, Texas Constitution, a municipality, or a county.

23 (3) "Flood project" means a drainage, flood
24 mitigation, or flood control project, including:

25 (A) planning and design activities;

26 (B) work to obtain regulatory approval to provide
27 structural and nonstructural flood mitigation and drainage;

28 (C) construction of structural flood mitigation
29 and drainage infrastructure;

30 (D) nonstructural or natural flood control
31 strategies; and

1 (E) a federally authorized project to deepen a
2 ship channel affected by a flooding event.

3 (4) "Resiliency fund" means the Texas infrastructure
4 resiliency fund.

5 Sec. 16.452. TEXAS INFRASTRUCTURE RESILIENCY FUND. (a)
6 The Texas infrastructure resiliency fund is a special fund in the
7 state treasury outside the general revenue fund.

8 (b) The resiliency fund shall be administered by the board
9 in accordance with this subchapter.

10 (c) The board may invest, reinvest, and direct the
11 investment of any available money in the resiliency fund as
12 provided by law for the investment of public funds.

13 (d) Investment earnings, interest earned on amounts
14 credited to the resiliency fund, and interest earned on loans made
15 from the fund shall be deposited to the credit of the fund.

16 Sec. 16.453. FLOODPLAIN MANAGEMENT ACCOUNT. (a) The
17 floodplain management account is an account of the resiliency fund.

18 (b) The account consists of:

19 (1) money deposited to the credit of the account under
20 Section 251.004, Insurance Code;

21 (2) money directly appropriated to the board; and

22 (3) money from gifts or grants from the United States
23 government, local or regional governments, private sources, or
24 other sources.

25 (c) The board may use the account to provide financing for
26 activities related to:

27 (1) the collection and analysis of flood-related
28 information;

29 (2) flood planning, protection, mitigation, or
30 adaptation;

31 (3) the provision of flood-related information to the

1 public through educational or outreach programs; or

2 (4) evaluating the response to and mitigation of flood
3 incidents affecting residential property, including multifamily
4 units, located in floodplains.

5 Sec. 16.454. HURRICANE HARVEY ACCOUNT. (a) The Hurricane
6 Harvey account is an account in the resiliency fund.

7 (b) The board may use the account only to provide financing
8 for flood projects related to Hurricane Harvey. Financing under
9 this section includes making a:

10 (1) grant, low-interest loan, or zero-interest loan to
11 an eligible political subdivision to provide nonfederal matching
12 funds to enable the subdivision to participate in a federal program
13 for the development of a:

14 (A) hazard mitigation project, under guidelines
15 issued by the Federal Emergency Management Agency or the Texas
16 Division of Emergency Management or the successor in function to
17 those entities; or

18 (B) public assistance project, under guidelines
19 issued by the Federal Emergency Management Agency or the Texas
20 Division of Emergency Management or the successor in function to
21 those entities; and

22 (2) loan to an eligible political subdivision at or
23 below market interest rates for the political subdivision's
24 planning or design costs, permitting costs, or other costs
25 associated with state or federal regulatory activities with respect
26 to a flood project.

27 (c) A grant or loan awarded under this section:

28 (1) may be awarded only after the applicant
29 demonstrates that any available insurance, other state funds, and
30 eligible federal funds have been exhausted and that Community
31 Development Block Grant Disaster Recovery funds from the United

1 States Department of Housing and Urban Development have been
2 applied toward the cost of eligible matching funds; and

3 (2) may not provide more than 75 percent of the portion
4 of the cost of the project that is paid with money other than money
5 from a federal program.

6 (d) In collaboration with the Texas Division of Emergency
7 Management, the board shall establish a point system for
8 prioritizing flood projects for which money from the Hurricane
9 Harvey account is sought. The system must include:

10 (1) a standard for the board to apply in determining
11 whether a flood project qualifies for funding at the time the
12 application for funding is filed with the board; and

13 (2) a method to account for the relative need of the
14 political subdivision for the funding.

15 (e) The board shall give the highest consideration in
16 awarding points to a flood project that will have a substantial
17 effect, including a flood project that:

18 (1) is recommended or approved by the director of the
19 Texas Division of Emergency Management or the successor in function
20 to that entity; and

21 (2) meets an emergency need in a county where the
22 governor has declared a state of disaster.

23 (f) After review and recommendation by the executive
24 administrator and with input from the director of the Texas
25 Division of Emergency Management or the successor in function to
26 that entity, the board may approve an application for financial
27 assistance under this section only if the board finds that:

28 (1) the application and assistance applied for meet
29 the requirements of this subchapter and board rules;

30 (2) the application demonstrates a sufficient level of
31 cooperation among applicable political subdivisions and includes

1 all of the political subdivisions substantially affected by the
2 flood project; and

3 (3) the taxes or other revenue, or both the taxes and
4 other revenue, pledged by the applicant, if applicable, will be
5 sufficient to meet all the obligations assumed by the applicant.

6 (g) Principal and interest payments on loans made under
7 Subsection (b)(2) may be deferred for not more than 10 years or
8 until construction of the flood project is completed, whichever is
9 the shorter period.

10 (h) Money from the account may be awarded to several
11 eligible political subdivisions for a single flood project.

12 (i) An eligible political subdivision that receives a grant
13 for a flood project also may receive a loan from the account.

14 (j) This section expires September 1, 2031. The remaining
15 balance of the account on that date is transferred to the flood plan
16 implementation account.

17 Sec. 16.455. FEDERAL MATCHING ACCOUNT. (a) The federal
18 matching account is an account in the resiliency fund.

19 (b) The board may use the account only to meet matching
20 requirements for projects funded partially by federal money,
21 including projects funded by the United States Army Corps of
22 Engineers.

23 (c) The board may use the account to make a loan to an
24 eligible political subdivision below market interest rates and
25 under flexible repayment terms, including a line of credit or loan
26 obligation with early prepayment terms, to provide financing for
27 the local share of a federally authorized ship channel improvement
28 project.

29 Sec. 16.456. TEXAS INFRASTRUCTURE RESILIENCY FUND ADVISORY
30 COMMITTEE. (a) The Texas Infrastructure Resiliency Fund Advisory
31 Committee is composed of the seven members that serve on the State

1 Water Implementation Fund for Texas Advisory Committee described by
2 Section 15.438, with the co-presiding officers of that committee
3 serving as presiding officers of the advisory committee. The
4 director of the Texas Division of Emergency Management or the
5 successor in function to that entity serves as a nonvoting member of
6 the advisory committee, as an additional duty of the director's
7 office.

8 (b) The advisory committee may hold public hearings, formal
9 meetings, or work sessions. Either co-presiding officer of the
10 advisory committee may call a public hearing, formal meeting, or
11 work session of the advisory committee at any time. The advisory
12 committee may not take formal action at a public hearing, formal
13 meeting, or work session unless a quorum of the committee is
14 present.

15 (c) Except as otherwise provided by this subsection, a
16 member of the advisory committee is not entitled to receive
17 compensation for service on the committee or reimbursement for
18 expenses incurred in the performance of official duties as a member
19 of the committee. Service on the advisory committee by a member of
20 the senate or house of representatives is considered legislative
21 service for which the member is entitled to reimbursement and other
22 benefits in the same manner and to the same extent as for other
23 legislative service.

24 (d) The advisory committee may submit comments and
25 recommendations to the board regarding the use of money in the
26 resiliency fund and for use by the board in adopting rules.

27 (e) The advisory committee shall review the overall
28 operation, function, and structure of the resiliency fund at least
29 semiannually and may provide comments and recommendations to the
30 board on any matter.

31 (f) The advisory committee may adopt rules, procedures, and

1 policies as needed to administer this section and implement its
2 responsibilities.

3 (g) The advisory committee shall make recommendations to
4 the board regarding information on the resiliency fund to be posted
5 on the board's Internet website.

6 (h) The advisory committee may evaluate and may provide
7 comments or recommendations on the feasibility of the state owning,
8 constructing, operating, and maintaining flood projects, including
9 reservoirs and coastal barriers.

10 (i) The board shall provide an annual report to the advisory
11 committee on:

12 (1) the board's compliance with statewide annual goals
13 relating to historically underutilized businesses; and

14 (2) the participation level of historically
15 underutilized businesses in flood projects that receive money from
16 the resiliency fund.

17 (j) If the aggregate level of participation by historically
18 underutilized businesses in flood projects that receive money from
19 the resiliency fund does not meet statewide annual goals adopted
20 under Chapter 2161, Government Code, the advisory committee shall
21 make recommendations to the board to improve the participation
22 level.

23 (k) The board shall supply staff support to the advisory
24 committee.

25 (l) Chapter 2110, Government Code, does not apply to the
26 size, composition, or duration of the advisory committee.

27 Sec. 16.457. REPORT REQUIRED. (a) In this section, "state
28 agency" means:

29 (1) a department, commission, board, office, or other
30 agency in the executive branch of state government created by the
31 state constitution or a state statute; and

1 (2) a general academic teaching institution as defined
2 by Section 61.003, Education Code.

3 (b) A state agency that uses or disburses federal money for
4 flood research, planning, or mitigation projects shall submit a
5 report to the board on a quarterly basis.

6 (c) The report must include the following information about
7 federal money used or disbursed for flood research, planning, or
8 mitigation projects:

9 (1) the original total of federal money received;

10 (2) the amount of the federal money spent or disbursed
11 to date; and

12 (3) the eligibility requirements for receiving the
13 federal money.

14 Sec. 16.458. APPLICABLE LAW. Subchapter E, Chapter 17,
15 applies to financial assistance made available from the resiliency
16 fund, except that the board may execute contracts as necessary to
17 evidence grant agreements.

18 Sec. 16.459. TRANSPARENCY REQUIREMENTS. The board shall
19 post the following information on the board's Internet website
20 regarding the use of the resiliency fund and regularly update the
21 information posted:

22 (1) the progress made in developing flood projects
23 statewide;

24 (2) a description of each flood project that receives
25 money from the resiliency fund, including:

26 (A) the expected date of completion of the flood
27 project;

28 (B) the current status of the flood project;

29 (C) the proposed benefit of the flood project;

30 (D) the initial total cost estimate of the flood
31 project and variances to the initial cost estimate exceeding five

1 percent;

2 (E) a listing of the eligible political
3 subdivisions receiving money from the resiliency fund;

4 (F) a listing of each political subdivision
5 served by each flood project;

6 (G) an estimate of matching funds that will be
7 available for the flood project resulting from the use of the
8 resiliency fund; and

9 (H) the status of repayment of each loan provided
10 in connection with a flood project, including an assessment of the
11 risk of default based on a standard risk rating system;

12 (3) a description of the point system for prioritizing
13 flood projects and the number of points awarded by the board for
14 each flood project;

15 (4) any nonconfidential information submitted to the
16 board as part of an application for funding under this subchapter
17 that is approved by the board;

18 (5) the administrative and operating expenses
19 incurred by the board in administering the resiliency fund; and

20 (6) any other information required by board rule.

21 Sec. 16.460. RULES. The board shall adopt rules necessary
22 to carry out this subchapter, including rules:

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

25 (2) that establish the prioritization system for flood
26 projects that receive money from the resiliency fund;

27 (3) for the repayment of a loan from the resiliency
28 fund; and

29 (4) for the administration of the resiliency fund.

30 SECTION 3.02. Section 251.004(b), Insurance Code, is
31 amended to read as follows:

(b) Each state fiscal year, the comptroller shall reallocate to the floodplain management account established under Section 16.453 [~~16.3161~~], Water Code, the first \$3.05 million of the maintenance taxes collected under Chapter 252 and deposited in the general revenue fund.

SECTION 3.03. Section 16.3161, Water Code, is repealed.

SECTION 3.04. On the effective date of this Act, the Floodplain Management Account No. 0330 is transferred to the Texas infrastructure resiliency fund as an account of that fund and the balance of the Floodplain Management Account No. 0330 is transferred to the floodplain management account of the Texas infrastructure resiliency fund.

SECTION 3.05. (a) Not later than the 90th day after the effective date of this Act, the Texas Infrastructure Resiliency Fund Advisory Committee shall submit recommendations to the Texas Water Development Board on the rules to be adopted by the board under Section 16.460, Water Code, as added by this Act.

(b) Not later than the 90th day after the date the Texas Water Development Board receives the recommendations described by Subsection (a) of this section, the board shall adopt rules under Section 16.460, Water Code, as added by this Act.

SECTION 3.06. Contingent on legislation of the 86th Legislature, Regular Session, 2019, that requires the creation of a state flood plan passing and becoming law, on the date that the Texas Water Development Board adopts the initial state flood plan in accordance with that law, Subchapter L, Chapter 16, Water Code, as added by this Act, is amended by adding Section 16.4545 to read as follows:

Sec. 16.4545. FLOOD PLAN IMPLEMENTATION ACCOUNT. (a) The flood plan implementation account is an account in the resiliency fund.

1 (b) The board may use the account only to provide financing
2 for projects included in the state flood plan.

3 (c) Money from the account may be awarded to several
4 eligible political subdivisions for a single flood project.

5 ARTICLE 4. REVENUE BONDS

6 SECTION 4.01. Section 17.852(5), Water Code, is amended to
7 read as follows:

8 (5) "Project" includes water supply projects,
9 treatment works, and flood ~~[control]~~ projects, as defined by
10 Section 15.531 or 16.451.

11 SECTION 4.02. Section 17.853(c), Water Code, is amended to
12 read as follows:

13 (c) The board may use the fund only:

14 (1) to provide state matching funds for federal funds
15 provided to the state water pollution control revolving fund or to
16 any additional state revolving fund created under Subchapter J,
17 Chapter 15;

18 (2) to provide financial assistance from the proceeds
19 of taxable bond issues to water supply corporations organized under
20 Chapter 67, and other participants;

21 (3) to provide financial assistance to participants
22 for the construction of water supply projects and treatment works;

23 (4) to provide financial assistance for an interim
24 construction period to participants for projects for which the
25 board will provide long-term financing through the water
26 development fund;

27 (5) to provide financial assistance for water supply
28 and sewer service projects in economically distressed areas as
29 provided by Subchapter K, Chapter 17, to the extent the board can
30 make that assistance without adversely affecting the current or
31 future integrity of the fund or of any other financial assistance

1 program of the board;

2 (6) to provide funds to the water infrastructure fund
3 created under Section 15.973; ~~and~~

4 (7) to provide funds to the state water implementation
5 revenue fund for Texas;

6 (8) to provide funds to the flood infrastructure fund
7 created under Section 15.533; and

8 (9) to provide funds to the Texas infrastructure
9 resiliency fund created under Section 16.452.

10 ARTICLE 5. EFFECTIVE DATE

11 SECTION 5.01. This Act takes effect January 1, 2020, but
12 only if the constitutional amendment proposed by the 86th
13 Legislature, Regular Session, 2019, authorizing the legislature to
14 provide for the creation of the flood infrastructure fund to assist
15 in the financing of drainage, flood mitigation, and flood control
16 projects is approved by the voters. If that amendment is not
17 approved by the voters, this Act has no effect.