

BILL ANALYSIS

C.S.H.B. 1536
By: Farrar
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that green stormwater infrastructure is a cost-effective approach to managing stormwater but that there is no current statewide inventory of green stormwater infrastructure information. C.S.H.B. 1536 seeks to address this issue by providing for a biennial report on green stormwater infrastructure in Texas.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1536 amends the Water Code to require the Texas Commission on Environmental Quality (TCEQ) each state fiscal biennium to appoint a green stormwater infrastructure and low impact development report group to prepare a report on the use of green stormwater infrastructure and low impact development in Texas. The bill defines "green stormwater infrastructure," also known as "low impact development," as systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration, treatment, or use of stormwater; manage stormwater, protect water quality and associated habitat, or augment or replace conventional engineered stormwater systems; meet local requirements for post-development stormwater retention and detention and erosion management; and are considered best management practices. The bill provides for each group's composition and appointment and requires TCEQ to appoint the members of the first group in a timely manner to ensure that the group is able to prepare the report by January 1, 2019.

C.S.H.B. 1536 requires each report to include a list of each county, municipality, and special district with land development authority that allows the use of green stormwater infrastructure and low impact development in land development projects in the county, municipal, or district territory; certain specified estimates relating to private and public projects and sites in Texas that use green stormwater infrastructure and low impact development; a monetized assessment of the social, economic, and environmental benefits realized by the use of green stormwater infrastructure and low impact development in Texas; an assessment of typical impediments to the use of green stormwater infrastructure and low impact development in local development codes; an assessment of impediments in state law and policies to the use of green stormwater infrastructure and low impact development; and recommendations to encourage increased use and deployment of green stormwater infrastructure and low impact development in Texas. The bill establishes that the first biennial report prepared by the group is required to include only

such information that TCEQ requires to be in the report.

C.S.H.B. 1536 requires TCEQ to publicly solicit information to support the preparation of the report and cooperate with the group in providing information or access to information. The bill requires the group to conduct at least one meeting to receive input on the preparation of the report, prepare a draft report, publish the draft report and solicit comments on the draft report, prepare a response-to-comments document and finalize the report, and, not later than January 1 of the second year of the state fiscal biennium, submit the final report to each member of TCEQ, the governor, the lieutenant governor, the speaker of the house of representatives, and each member of the legislature.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1536 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter D, Chapter 5, Water Code, is amended by adding Section 5.136 to read as follows:

Sec. 5.136. STUDY AND REPORT ON GREEN STORMWATER INFRASTRUCTURE. (a) In this section, "green stormwater infrastructure" means stormwater infrastructure that reduces and treats stormwater at the source using vegetation, soils, and other elements and practices to restore some of the natural processes required to manage stormwater. The term includes the use of rain gardens, rainwater harvesting systems, and permeable pavement.

(b) The commission shall study the installation and use of green stormwater infrastructure in this state.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter D, Chapter 5, Water Code, is amended by adding Section 5.136 to read as follows:

Sec. 5.136. BIENNIAL REPORT ON STORMWATER INFRASTRUCTURE. (a) In this section, the term "green stormwater infrastructure," also known as "low impact development," means systems and practices that:
(1) use or mimic natural processes that result in the infiltration, evapotranspiration, treatment, or use of stormwater;
(2) manage stormwater, protect water quality and associated habitat, or augment or replace conventional engineered stormwater systems;
(3) meet local requirements for post-development stormwater retention and detention and erosion management; and
(4) are considered best management practices.

(b) Each state fiscal biennium the commission shall appoint a Green Stormwater Infrastructure and Low Impact Development Report Group to prepare a report on the use of green stormwater infrastructure and low impact development in this state. Each group must be composed of 10 members appointed by the commission, with one member to represent each of the following:

(1) counties;

- (2) municipalities;
- (3) special districts that have land development authority or provide water or wastewater services;
- (4) academic university programs related to land development;
- (5) businesses engaged in real estate development;
- (6) civil engineers;
- (7) landscape architects;
- (8) environmental groups;
- (9) professional organizations focused on water conservation; and
- (10) vendors and providers of green stormwater infrastructure and low impact development systems or practices.

(c) The commission shall solicit nominations for group members from the entities listed in Subsection (b). The commission may not appoint a person to serve as a group member representing a type of entity unless the person is nominated by a representative of that type of entity.

(c) As part of the commission's biannual reports under Section 5.178, the commission shall include a written report that includes:

(1) an estimate of

the amount of stormwater managed using green stormwater infrastructure in this state;

(2) a description of barriers to installing and using green stormwater infrastructure;

(d) Each report must include:

(1) a list of each county, municipality, and special district with land development authority that allows the use of green stormwater infrastructure and low impact development in land development projects in the county, municipal, or district territory;

(2) estimates of:

(A) the number of private and public projects and sites in this state that use green stormwater infrastructure and low impact development;

(B) the amount of stormwater that is managed by the green stormwater infrastructure and low impact development features described in Paragraph (A); and

(C) the amount of money invested in the green stormwater infrastructure and low impact development features described in Paragraph (A);

(3) a monetized assessment of the social, economic, and environmental benefits realized by the use of green stormwater infrastructure and low impact development in this state;

(4) an assessment of typical impediments to the use of green stormwater infrastructure and low impact development in local development codes;

(5) an assessment of impediments in the

(3) recommendations to increase the installation and use of green stormwater infrastructure;

(4) goals for increased installation and use of green stormwater infrastructure in this state; and

(5) progress made toward achieving the goals required under Subdivision (4) from the previous report.

law and policies of this state to the use of green stormwater infrastructure and low impact development; and

(6) recommendations to encourage increased use and deployment of green stormwater infrastructure and low impact development in this state.

(e) The commission shall:

(1) publicly solicit information to support the preparation of the report; and

(2) cooperate with the group in providing information or access to information.

(f) The group shall:

(1) conduct at least one meeting to receive input on the preparation of the report;

(2) prepare a draft report;

(3) publish the draft report and solicit comments on the draft report;

(4) prepare a response-to-comments document and finalize the report; and

(5) not later than January 1 of the second year of the state fiscal biennium, submit the final report to:

(A) each member of the commission;

(B) the governor;

(C) the lieutenant governor;

(D) the speaker of the house of representatives; and

(E) each member of the legislature.

No equivalent provision.

SECTION 2. (a) The Texas Commission on Environmental Quality shall appoint the members of the first Green Stormwater Infrastructure and Low Impact Development Report Group under Section 5.136, Water Code, as added by this Act, in a timely manner to ensure that the group is able to prepare the report by January 1, 2019.

(b) Notwithstanding Section 5.136(d), Water Code, as added by this Act, the first biennial report prepared by the Green Stormwater Infrastructure and Low Impact Development Report Group is required to include only information described by Section 5.136(d), Water Code, as added by this Act, that the Texas Commission on Environmental Quality requires to be in the report.

SECTION 2. This Act takes effect September 1, 2017.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.