

## **BILL ANALYSIS**

H.B. 2136  
By: Reynolds  
Natural Resources  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties contend that it would be beneficial for the Fort Bend County Drainage District to establish a compensatory mitigation program for stormwater flows for certain drainage areas. H.B. 2136 seeks to provide for the establishment of such a program.

### **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**

H.B. 2136 amends the Special District Local Laws Code to require the Fort Bend County Drainage District, in achieving the ultimate goal of minimizing the threat of flooding of Fort Bend County by implementing flood control measures, to establish a compensatory mitigation program for stormwater flows for drainage areas that are less than 50 acres. The bill requires the program to allow compensatory mitigation measures to be taken on property that is associated with development of a site and authorizes the program to allow compensatory mitigation measures to be taken on property that is not associated with a site's development if the threat of flooding would be minimized at least as much as if the compensatory mitigation measures were taken on property associated with the site's development. The bill authorizes compensatory mitigation measures authorized by the program to include the use of detention or retention facilities to store increases in stormwater flows that are attributable to impervious cover from development and any other appropriate measures that are demonstrated to minimize the threat of flooding.

H.B. 2136 prohibits a project to develop compensatory mitigation measures approved under the program from being inconsistent with any applicable federal or state requirements relating to management or control of stormwater. The bill sets out provisions relating to an application for approval of a compensatory mitigation project. The bill requires the district engineer or other designee of the district to approve or deny an application for approval of a compensatory mitigation project not later than the 90th day after the date the application is submitted, unless the applicant agrees to an extension. The bill authorizes the decision by the district engineer or other designee of the district to be appealed directly to the commissioners court by the applicant.

### **EFFECTIVE DATE**

September 1, 2017.