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H.B. No. 26

A BILL TO BE ENTITLED

AN ACT

relating to the notification of affected persons of certain releases of water from certain dams.

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

SECTION 1. Section 12.052, Water Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3), and (a-4) to read as follows:

(a) The commission shall make and enforce rules and orders and shall perform all other acts necessary to provide for the safe construction, operation, maintenance, repair, ~~and~~ removal, and emergency management of dams located in this state. In performing the commission's duties under this subsection, the commission shall identify and focus on the most hazardous dams in the state.

(a-1) The commission shall require the owner or operator of a state-regulated dam that has a spillway with gates used to regulate flood waters to notify local emergency operation centers in downstream communities when spillway releases are made to regulate flood waters, according to the commission's emergency action plan guidelines.

(a-2) Emergency operation centers notified under Subsection (a-1) shall provide notice to the public when a release may contribute to flooding that may result in damage to life and property through all available means and shall include, at a minimum, the following information, if available:

1           (1) the names of the dam and reservoir;

2           (2) the communities downstream that may be impacted  
3 and estimated time of impact;

4           (3) the names of affected river basins and  
5 tributaries;

6           (4) the expected duration of the release;

7           (5) the level of potential flooding according to the  
8 National Weather Service River Forecast Center; and

9           (6) the roads or bridges that are expected to be  
10 affected.

11           (a-3) A notice provided under Subsection (a-2) must include  
12 the following disclaimer: "Actual flood conditions may vary  
13 significantly from the alert based on new or changed conditions;  
14 advanced alerts of changed conditions may not be possible."

15           (a-4) Notwithstanding any other defense or immunity that  
16 may apply, a notice provided under Subsection (a-1) or (a-2) may not  
17 be considered an admission of liability and may not be used as  
18 evidence in any suit related to the releases that are the subject of  
19 the notice.

20           SECTION 2. (a) Not later than January 1, 2020, the Texas  
21 Commission on Environmental Quality shall provide guidance for  
22 developing a notification plan through a dam owner's emergency  
23 action plan for state-regulated dams that have a spillway with  
24 gates used to regulate flood waters.

25           (b) Not later than June 1, 2020, a dam shall deliver the  
26 notification plan described by Subsection (a) for each dam to the  
27 Texas Commission on Environmental Quality.

1 SECTION 3. This Act takes effect September 1, 2019.