

AN ACT

relating to a biennial report on stormwater infrastructure in this state.

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

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

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

20 (d) Each report must include:

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

26 (2) estimates of:

27 (A) the number of private and public projects and

1 sites in this state that use green stormwater infrastructure and
2 low impact development;

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

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

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

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

15 (5) an assessment of impediments in the law and
16 policies of this state to the use of green stormwater
17 infrastructure and low impact development; and

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

21 (e) The commission shall:

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

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

26 (f) The group shall:

27 (1) conduct at least one meeting to receive input on

1 the preparation of the report;

2 (2) prepare a draft report;

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

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

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

9 (A) each member of the commission;

10 (B) the governor;

11 (C) the lieutenant governor;

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

13 and

14 (E) each member of the legislature.

15 SECTION 2. (a) The Texas Commission on Environmental
16 Quality shall appoint the members of the first Green Stormwater
17 Infrastructure and Low Impact Development Report Group under
18 Section 5.136, Water Code, as added by this Act, in a timely manner
19 to ensure that the group is able to prepare the report by January 1,
20 2021.

21 (b) Notwithstanding Section 5.136(d), Water Code, as added
22 by this Act, the first biennial report prepared by the Green
23 Stormwater Infrastructure and Low Impact Development Report Group
24 is required to include only information described by Section
25 5.136(d), Water Code, as added by this Act, that the Texas
26 Commission on Environmental Quality requires to be in the report.

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

President of the Senate

Speaker of the House

I certify that H.B. No. 1059 was passed by the House on May 2, 2019, by the following vote: Yeas 120, Nays 19, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1059 was passed by the Senate on May 22, 2019, by the following vote: Yeas 28, Nays 3.

Secretary of the Senate

APPROVED: _____

Date

Governor