

By: Perry, et al.

S.B. No. 8

A BILL TO BE ENTITLED

AN ACT

relating to state and regional flood planning.

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

SECTION 1. Subchapter C, Chapter 16, Water Code, is amended by adding Sections 16.061 and 16.062 to read as follows:

Sec. 16.061. STATE FLOOD PLAN. (a) Not later than September 1, 2024, and before the end of each successive five-year period after that date, the board shall prepare and adopt a comprehensive state flood plan that incorporates the regional flood plans approved under Section 16.062. The state flood plan must:

(1) provide for orderly preparation for and response to flood conditions to protect against the loss of life and property;

(2) be a guide to state and local flood control policy;  
and

(3) contribute to water development where possible.

(b) The state flood plan must include:

(1) an evaluation of the condition and adequacy of flood control infrastructure on a regional basis;

(2) a statewide, ranked list of ongoing and proposed flood control and mitigation projects and strategies necessary to protect against the loss of life and property from flooding and a discussion of how those projects and strategies might further water development, where applicable;

1           (3) an analysis of completed, ongoing, and proposed  
2 flood control projects included in previous state flood plans,  
3 including which projects received funding;

4           (4) an analysis of development in the 100-year  
5 floodplain areas as defined by the Federal Emergency Management  
6 Agency; and

7           (5) legislative recommendations the board considers  
8 necessary to facilitate flood control planning and project  
9 construction.

10          (c) The board, in coordination with the commission, the  
11 Department of Agriculture, the General Land Office, the Parks and  
12 Wildlife Department, the Texas Division of Emergency Management,  
13 and the State Soil and Water Conservation Board, shall adopt  
14 guidance principles for the state flood plan that reflect the  
15 public interest of the entire state. The board shall review and  
16 revise the guidance principles, with input from the commission, the  
17 Department of Agriculture, the General Land Office, the Parks and  
18 Wildlife Department, the Texas Division of Emergency Management,  
19 and the State Soil and Water Conservation Board as necessary and at  
20 least every fifth year to coincide with the five-year cycle for  
21 adoption of a new state flood plan.

22          (d) On adoption of a state flood plan, the board shall  
23 deliver the plan to the:

24           (1) governor;

25           (2) lieutenant governor;

26           (3) speaker of the house of representatives; and

27           (4) appropriate legislative committees and

1 legislative leadership.

2 Sec. 16.062. REGIONAL FLOOD PLANNING. (a) The board shall:

3 (1) designate flood planning regions corresponding to  
4 each river basin;

5 (2) provide technical assistance to the flood planning  
6 groups; and

7 (3) adopt guidance principles for the regional flood  
8 plans, including procedures for amending adopted plans.

9 (b) In designating flood planning regions, the board may  
10 divide river basins to avoid having an impracticably large area for  
11 efficient planning in a flood planning region.

12 (c) The board shall designate representatives from each  
13 flood planning region to serve as the initial flood planning group.  
14 The initial flood planning group may then designate additional  
15 representatives to serve on the flood planning group. The initial  
16 flood planning group shall designate additional representatives if  
17 necessary to ensure adequate representation from the interests in  
18 its region, including the public, counties, municipalities,  
19 industries, agricultural interests, environmental interests, small  
20 businesses, electric generating utilities, river authorities,  
21 water districts, and water utilities. The flood planning group  
22 shall maintain adequate representation from those interests. In  
23 addition, the board, the commission, the General Land Office, the  
24 Parks and Wildlife Department, the Department of Agriculture, the  
25 State Soil and Water Conservation Board, and the Texas Division of  
26 Emergency Management each shall appoint a representative to serve  
27 as an ex officio member of each flood planning group.

1       (d) Each regional flood planning group shall hold public  
2 meetings as provided by board rule to gather from interested  
3 persons, including members of the public and other political  
4 subdivisions located in that county, suggestions and  
5 recommendations as to issues, provisions, projects, and strategies  
6 that should be considered for inclusion in a regional flood plan.

7       (e) Each flood planning group shall consider the  
8 information collected under Subsection (d) in creating a regional  
9 flood plan. A regional flood plan must:

10           (1) use information based on scientific data and  
11 updated mapping; and

12           (2) include:

13                   (A) a general description of the condition and  
14 functionality of flood control infrastructure in the flood planning  
15 region;

16                   (B) flood control projects under construction or  
17 in the planning stage;

18                   (C) information on land use changes and  
19 population growth in the flood planning region;

20                   (D) an identification of the areas in the flood  
21 planning region that are prone to flood and flood control solutions  
22 for those areas; and

23                   (E) an indication of whether a particular flood  
24 control solution:

25                           (i) meets an emergency need;

26                           (ii) uses federal money as a funding  
27 component; and

1                   (iii) may also serve as a water supply  
2 source.

3           (f) After a flood planning group prepares a regional flood  
4 plan, the group shall hold at least one public meeting in a central  
5 location in the flood planning region to accept comments on the  
6 regional flood plan. The flood planning group shall:

7                   (1) cooperate with the board to determine what method  
8 of providing notice for the public meeting is most accessible to  
9 persons in the flood planning region; and

10                   (2) publish, post, or otherwise disseminate notice of  
11 the public meeting according to the method described by Subdivision  
12 (1).

13           (g) The notice published, posted, or otherwise disseminated  
14 under Subsection (f) must contain:

15                   (1) the date, time, and location of the public meeting  
16 or hearing;

17                   (2) a summary of the regional flood plan;

18                   (3) the name, telephone number, and address of a  
19 person to whom questions or requests for additional information may  
20 be submitted; and

21                   (4) information on how the public may submit comments.

22           (h) After consideration of the comments received at the  
23 public meeting, the flood planning group shall adopt the regional  
24 flood plan and submit the adopted regional flood plan to the board.  
25 The board shall make a determination whether the regional flood  
26 plan:

27                   (1) satisfies the requirements for regional flood

1 plans adopted in the guidance principles described by Subsection  
2 (a);

3 (2) adequately provides for the preservation of life  
4 and property and the development of water supply sources, where  
5 applicable; and

6 (3) affects a neighboring area.

7 (i) If the board makes a determination that an element of a  
8 regional flood plan negatively affects a neighboring area, the  
9 board must coordinate with the affected area to adjust the plan to  
10 ensure that no neighboring area is negatively affected by the plan.

11 (j) The board shall approve a regional flood plan when it:

12 (1) satisfies the requirements of Subsections (h)(1)  
13 and (2); and

14 (2) does not negatively affect a neighboring area.

15 (k) A flood planning group may amend a regional flood plan  
16 after the plan has been approved by the board according to rules  
17 adopted by the board.

18 (l) Each flood planning group and committee or subcommittee  
19 of a flood planning group is subject to Chapters 551 and 552,  
20 Government Code.

21 SECTION 2. Subchapter B, Chapter 201, Agriculture Code, is  
22 amended by adding Section 201.0227 to read as follows:

23 Sec. 201.0227. TEN-YEAR DAM REPAIR AND MAINTENANCE PLAN;  
24 REPORT. (a) In this section:

25 (1) "Plan" means the 10-year dam repair,  
26 rehabilitation, and maintenance plan adopted under this section.

27 (2) "Water development board" means the Texas Water

1 Development Board.

2 (b) The state board shall prepare and adopt a plan  
3 describing the repair and maintenance needs of flood control dams  
4 described by Subsection (c) and prepare and adopt a new plan before  
5 the end of the 10th year following the adoption of a plan.

6 (c) The plan must include projects under the jurisdiction of  
7 the state board and authorized under:

8 (1) Section 13, Flood Control Act of 1944 (Pub. L. No.  
9 78-534);

10 (2) the pilot watershed program authorized under the  
11 Department of Agriculture Appropriation Act, 1954 (Pub. L. No.  
12 83-156);

13 (3) the Watershed Protection and Flood Prevention Act  
14 (Pub. L. No. 83-566); and

15 (4) Subtitle H, Title XV, Agriculture and Food Act of  
16 1981 (Pub. L. No. 97-98).

17 (d) The state board shall deliver the plan adopted under  
18 this section to the water development board.

19 (e) Each year, the state board shall deliver to the water  
20 development board a report regarding progress made on items listed  
21 in the plan. If an update to the report or plan is necessary before  
22 the yearly report or before the end of the 10-year cycle, the state  
23 board must deliver to the water development board an amended report  
24 or plan.

25 SECTION 3. (a) In this section:

26 (1) "Advisory committee" means the State Flood Plan  
27 Implementation Advisory Committee.

1           (2) "Board" means the Texas Water Development Board.

2           (b) The State Flood Plan Implementation Advisory Committee  
3 is composed of the following six members:

4           (1) the chair of the committee of the senate having  
5 primary jurisdiction over water resources;

6           (2) the chair of the committee of the house of  
7 representatives having primary jurisdiction over natural  
8 resources;

9           (3) a member of the committee of the senate having  
10 primary jurisdiction over matters relating to finance, appointed by  
11 the lieutenant governor;

12           (4) a member of the committee of the house of  
13 representatives having primary jurisdiction over appropriations,  
14 appointed by the speaker of the house of representatives;

15           (5) a representative of the Texas Division of  
16 Emergency Management, chosen by the division; and

17           (6) a representative of the State Soil and Water  
18 Conservation Board, chosen by the State Soil and Water Conservation  
19 Board.

20           (c) The chair of the committee of the senate having primary  
21 jurisdiction over water resources and the chair of the committee of  
22 the house of representatives having primary jurisdiction over  
23 natural resources serve as the co-chairs of the advisory committee.

24           (d) The advisory committee may hold public hearings, formal  
25 meetings, or work sessions. The advisory committee may not take  
26 formal action at a public hearing, formal meeting, or work session  
27 unless a quorum of the committee is present.

1 (e) Except as otherwise provided by this subsection, a  
2 member of the advisory committee is not entitled to receive  
3 compensation for service on the committee or reimbursement for  
4 expenses incurred in the performance of official duties as a member  
5 of the committee. Service on the advisory committee by a member of  
6 the senate or house of representatives is considered legislative  
7 service for which the member is entitled to reimbursement and other  
8 benefits in the same manner and to the same extent as for other  
9 legislative service.

10 (f) The advisory committee shall review the overall  
11 operation, function, and structure of the state flood plan and  
12 rules adopted by the board to implement the state flood plan at  
13 least semiannually and may provide comments and recommendations to  
14 the board on any matter.

15 (g) The advisory committee may adopt rules, procedures, and  
16 policies as needed to administer this section and implement its  
17 responsibilities.

18 (h) Chapter [2110](#), Government Code, does not apply to the  
19 size, composition, or duration of the advisory committee.

20 (i) The advisory committee shall make recommendations to  
21 the board regarding information to be posted on the board's  
22 Internet website.

23 (j) This section expires and the advisory committee is  
24 dissolved on September 1, 2021.

25 SECTION 4. (a) Not later than September 1, 2021, the Texas  
26 Water Development Board shall adopt guidance principles for the  
27 regional flood plans and designate flood planning regions

1 corresponding to each river basin as required by Section 16.062,  
2 Water Code, as added by this Act.

3 (b) Not later than January 10, 2023, each flood planning  
4 group shall submit a regional flood plan to the Texas Water  
5 Development Board for the group's flood planning region, as  
6 required by Section 16.062, Water Code, as added by this Act.

7 SECTION 5. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2019.