

1-1 By: Perry, et al. S.B. No. 8
1-2 (In the Senate - Filed March 6, 2019; March 7, 2019, read
1-3 first time and referred to Committee on Water & Rural Affairs;
1-4 March 14, 2019, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; March 14, 2019,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-8 | | | | |
| 1-9 | X | | | |
| 1-10 | X | | | |
| 1-11 | X | | | |
| 1-12 | X | | | |
| 1-13 | X | | | |
| 1-14 | X | | | |
| 1-15 | X | | | |

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 8 By: Perry

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to state and regional flood planning.
1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-21 SECTION 1. Subchapter C, Chapter 16, Water Code, is amended
1-22 by adding Sections 16.061 and 16.062 to read as follows:
1-23 Sec. 16.061. STATE FLOOD PLAN. (a) Not later than
1-24 September 1, 2024, and before the end of each successive five-year
1-25 period after that date, the board shall prepare and adopt a
1-26 comprehensive state flood plan that incorporates the regional flood
1-27 plans approved under Section 16.062. The state flood plan must:
1-28 (1) provide for orderly preparation for and response
1-29 to flood conditions to protect against the loss of life and
1-30 property;
1-31 (2) be a guide to state and local flood control policy;
1-32 and
1-33 (3) contribute to water development where possible.
1-34 (b) The state flood plan must include:
1-35 (1) an evaluation of the condition and adequacy of
1-36 flood control infrastructure on a regional basis;
1-37 (2) a statewide, ranked list of ongoing and proposed
1-38 flood control and mitigation projects and strategies necessary to
1-39 protect against the loss of life and property from flooding and a
1-40 discussion of how those projects and strategies might further water
1-41 development, where applicable;
1-42 (3) an analysis of completed, ongoing, and proposed
1-43 flood control projects included in previous state flood plans,
1-44 including which projects received funding;
1-45 (4) an analysis of development in the 100-year
1-46 floodplain areas as defined by the Federal Emergency Management
1-47 Agency; and
1-48 (5) legislative recommendations the board considers
1-49 necessary to facilitate flood control planning and project
1-50 construction.
1-51 (c) The board, in coordination with the commission, the
1-52 Department of Agriculture, the General Land Office, the Parks and
1-53 Wildlife Department, the Texas Division of Emergency Management,
1-54 and the State Soil and Water Conservation Board, shall adopt
1-55 guidance principles for the state flood plan that reflect the
1-56 public interest of the entire state. The board shall review and
1-57 revise the guidance principles, with input from the commission, the
1-58 Department of Agriculture, the General Land Office, the Parks and
1-59 Wildlife Department, the Texas Division of Emergency Management,
1-60 and the State Soil and Water Conservation Board as necessary and at

2-1 least every fifth year to coincide with the five-year cycle for
 2-2 adoption of a new state flood plan.

2-3 (d) On adoption of a state flood plan, the board shall
 2-4 deliver the plan to the:

2-5 (1) governor;

2-6 (2) lieutenant governor;

2-7 (3) speaker of the house of representatives; and

2-8 (4) appropriate legislative committees and
 2-9 legislative leadership.

2-10 Sec. 16.062. REGIONAL FLOOD PLANNING. (a) The board
 2-11 shall:

2-12 (1) designate flood planning regions corresponding to
 2-13 each river basin;

2-14 (2) provide technical and financial assistance to the
 2-15 flood planning groups; and

2-16 (3) adopt guidance principles for the regional flood
 2-17 plans, including procedures for amending adopted plans.

2-18 (b) In designating flood planning regions, the board may
 2-19 divide river basins to avoid having an impracticably large area for
 2-20 efficient planning in a flood planning region.

2-21 (c) The board shall designate representatives from each
 2-22 flood planning region to serve as the initial flood planning group.
 2-23 The initial flood planning group may then designate additional
 2-24 representatives to serve on the flood planning group. The initial
 2-25 flood planning group shall designate additional representatives if
 2-26 necessary to ensure adequate representation from the interests in
 2-27 its region, including the public, counties, municipalities,
 2-28 industries, agricultural interests, environmental interests, small
 2-29 businesses, electric generating utilities, river authorities,
 2-30 water districts, and water utilities. The flood planning group
 2-31 shall maintain adequate representation from those interests. In
 2-32 addition, the board, the commission, the General Land Office, the
 2-33 Parks and Wildlife Department, the Department of Agriculture, the
 2-34 State Soil and Water Conservation Board, and the Texas Division of
 2-35 Emergency Management each shall appoint a representative to serve
 2-36 as an ex officio member of each flood planning group.

2-37 (d) Each regional flood planning group shall hold public
 2-38 meetings as provided by board rule to gather from interested
 2-39 persons, including members of the public and other political
 2-40 subdivisions located in that county, suggestions and
 2-41 recommendations as to issues, provisions, projects, and strategies
 2-42 that should be considered for inclusion in a regional flood plan.

2-43 (e) Each flood planning group shall consider the
 2-44 information collected under Subsection (d) in creating a regional
 2-45 flood plan. A regional flood plan must:

2-46 (1) use information based on scientific data and
 2-47 updated mapping; and

2-48 (2) include:

2-49 (A) a general description of the condition and
 2-50 functionality of flood control infrastructure in the flood planning
 2-51 region;

2-52 (B) flood control projects under construction or
 2-53 in the planning stage;

2-54 (C) information on land use changes and
 2-55 population growth in the flood planning region;

2-56 (D) an identification of the areas in the flood
 2-57 planning region that are prone to flood and flood control solutions
 2-58 for those areas; and

2-59 (E) an indication of whether a particular flood
 2-60 control solution:

2-61 (i) meets an emergency need;

2-62 (ii) uses federal money as a funding
 2-63 component; and

2-64 (iii) may also serve as a water supply
 2-65 source.

2-66 (f) After a flood planning group prepares a regional flood
 2-67 plan, the group shall hold at least one public meeting in a central
 2-68 location in the flood planning region to accept comments on the
 2-69 regional flood plan. The flood planning group shall:

3-1 (1) cooperate with the board to determine what method
3-2 of providing notice for the public meeting is most accessible to
3-3 persons in the flood planning region; and
3-4 (2) publish, post, or otherwise disseminate notice of
3-5 the public meeting according to the method described by Subdivision
3-6 (1).
3-7 (g) The notice published, posted, or otherwise disseminated
3-8 under Subsection (f) must contain:
3-9 (1) the date, time, and location of the public meeting
3-10 or hearing;
3-11 (2) a summary of the regional flood plan;
3-12 (3) the name, telephone number, and address of a
3-13 person to whom questions or requests for additional information may
3-14 be submitted; and
3-15 (4) information on how the public may submit comments.
3-16 (h) After consideration of the comments received at the
3-17 public meeting, the flood planning group shall adopt the regional
3-18 flood plan and submit the adopted regional flood plan to the board.
3-19 The board shall make a determination whether the regional flood
3-20 plan:
3-21 (1) satisfies the requirements for regional flood
3-22 plans adopted in the guidance principles described by Subsection
3-23 (a);
3-24 (2) adequately provides for the preservation of life
3-25 and property and the development of water supply sources, where
3-26 applicable; and
3-27 (3) affects a neighboring area.
3-28 (i) If the board makes a determination that an element of a
3-29 regional flood plan negatively affects a neighboring area, the
3-30 board must coordinate with the affected area to adjust the plan to
3-31 ensure that no neighboring area is negatively affected by the plan.
3-32 (j) The board shall approve a regional flood plan when it:
3-33 (1) satisfies the requirements of Subsections (h)(1)
3-34 and (2); and
3-35 (2) does not negatively affect a neighboring area.
3-36 (k) A flood planning group may amend a regional flood plan
3-37 after the plan has been approved by the board according to rules
3-38 adopted by the board.
3-39 (l) Each flood planning group and committee or subcommittee
3-40 of a flood planning group is subject to Chapters 551 and 552,
3-41 Government Code.
3-42 SECTION 2. Subchapter B, Chapter 201, Agriculture Code, is
3-43 amended by adding Section 201.0227 to read as follows:
3-44 Sec. 201.0227. TEN-YEAR DAM REPAIR AND MAINTENANCE PLAN;
3-45 REPORT. (a) In this section:
3-46 (1) "Plan" means the 10-year dam repair,
3-47 rehabilitation, and maintenance plan adopted under this section.
3-48 (2) "Water development board" means the Texas Water
3-49 Development Board.
3-50 (b) The state board shall prepare and adopt a plan
3-51 describing the repair and maintenance needs of flood control dams
3-52 described by Subsection (c) and prepare and adopt a new plan before
3-53 the end of the 10th year following the adoption of a plan.
3-54 (c) The plan must include projects under the jurisdiction of
3-55 the state board and authorized under:
3-56 (1) Section 13, Flood Control Act of 1944 (Pub. L. No.
3-57 78-534);
3-58 (2) the pilot watershed program authorized under the
3-59 Department of Agriculture Appropriation Act, 1954 (Pub. L. No.
3-60 83-156);
3-61 (3) the Watershed Protection and Flood Prevention Act
3-62 (Pub. L. No. 83-566); and
3-63 (4) Subtitle H, Title XV, Agriculture and Food Act of
3-64 1981 (Pub. L. No. 97-98).
3-65 (d) The state board shall deliver the plan adopted under
3-66 this section to the water development board.
3-67 (e) Each year, the state board shall deliver to the water
3-68 development board a report regarding progress made on items listed
3-69 in the plan. If an update to the report or plan is necessary before

4-1 the yearly report or before the end of the 10-year cycle, the state
 4-2 board must deliver to the water development board an amended report
 4-3 or plan.

4-4 SECTION 3. (a) In this section:

4-5 (1) "Advisory committee" means the State Flood Plan
 4-6 Implementation Advisory Committee.

4-7 (2) "Board" means the Texas Water Development Board.

4-8 (b) The State Flood Plan Implementation Advisory Committee
 4-9 is composed of the following six members:

4-10 (1) the chair of the committee of the senate having
 4-11 primary jurisdiction over water resources;

4-12 (2) the chair of the committee of the house of
 4-13 representatives having primary jurisdiction over natural
 4-14 resources;

4-15 (3) a member of the committee of the senate having
 4-16 primary jurisdiction over matters relating to finance, appointed by
 4-17 the lieutenant governor;

4-18 (4) a member of the committee of the house of
 4-19 representatives having primary jurisdiction over appropriations,
 4-20 appointed by the speaker of the house of representatives;

4-21 (5) a representative of the Texas Division of
 4-22 Emergency Management, chosen by the division; and

4-23 (6) a representative of the State Soil and Water
 4-24 Conservation Board, chosen by the State Soil and Water Conservation
 4-25 Board.

4-26 (c) The chair of the committee of the senate having primary
 4-27 jurisdiction over water resources and the chair of the committee of
 4-28 the house of representatives having primary jurisdiction over
 4-29 natural resources serve as the co-chairs of the advisory committee.

4-30 (d) The advisory committee may hold public hearings, formal
 4-31 meetings, or work sessions. The advisory committee may not take
 4-32 formal action at a public hearing, formal meeting, or work session
 4-33 unless a quorum of the committee is present.

4-34 (e) Except as otherwise provided by this subsection, a
 4-35 member of the advisory committee is not entitled to receive
 4-36 compensation for service on the committee or reimbursement for
 4-37 expenses incurred in the performance of official duties as a member
 4-38 of the committee. Service on the advisory committee by a member of
 4-39 the senate or house of representatives is considered legislative
 4-40 service for which the member is entitled to reimbursement and other
 4-41 benefits in the same manner and to the same extent as for other
 4-42 legislative service.

4-43 (f) The advisory committee shall review the overall
 4-44 operation, function, and structure of the state flood plan and
 4-45 rules adopted by the board to implement the state flood plan at
 4-46 least semiannually and may provide comments and recommendations to
 4-47 the board on any matter.

4-48 (g) The advisory committee may adopt rules, procedures, and
 4-49 policies as needed to administer this section and implement its
 4-50 responsibilities.

4-51 (h) Chapter 2110, Government Code, does not apply to the
 4-52 size, composition, or duration of the advisory committee.

4-53 (i) The advisory committee shall make recommendations to
 4-54 the board regarding information to be posted on the board's
 4-55 Internet website.

4-56 (j) This section expires and the advisory committee is
 4-57 dissolved on September 1, 2021.

4-58 SECTION 4. (a) Not later than September 1, 2021, the Texas
 4-59 Water Development Board shall adopt guidance principles for the
 4-60 regional flood plans and designate flood planning regions
 4-61 corresponding to each river basin as required by Section 16.062,
 4-62 Water Code, as added by this Act.

4-63 (b) Not later than January 10, 2023, each flood planning
 4-64 group shall submit a regional flood plan to the Texas Water
 4-65 Development Board for the group's flood planning region, as
 4-66 required by Section 16.062, Water Code, as added by this Act.

4-67 SECTION 5. This Act takes effect immediately if it receives
 4-68 a vote of two-thirds of all the members elected to each house, as
 4-69 provided by Section 39, Article III, Texas Constitution. If this

5-1 Act does not receive the vote necessary for immediate effect, this
5-2 Act takes effect September 1, 2019.

5-3

* * * * *