

By: Perry

S.B. No. 396

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 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 Texas Division of Emergency Management, and the State Soil and
12 Water Conservation Board, shall adopt guidance principles for the
13 state flood plan that reflect the public interest of the entire
14 state. The board shall review and revise the guidance principles,
15 with input from the commission, the Texas Division of Emergency
16 Management, and the State Soil and Water Conservation Board as
17 necessary and at least every fourth year to coincide with the
18 four-year cycle for adoption of a new state flood plan.

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

21 (1) governor;
22 (2) lieutenant governor;
23 (3) speaker of the house of representatives; and
24 (4) appropriate legislative committees and
25 legislative leadership.

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

27 (1) provide technical assistance to the flood planning

1 groups;

2 (2) adopt guidance principles for the regional flood
3 plans, including procedures for amending adopted plans; and

4 (3) designate flood planning regions corresponding to
5 each river basin.

6 (b) A flood planning group is composed of representatives of
7 the governing body of each county that is located wholly or partly
8 in a flood planning region. A county may have several
9 representatives during the deliberations of the flood planning
10 group. In voting on the final version of the regional flood plan,
11 each county is entitled to one vote. A river authority located
12 wholly or partly in a flood planning region shall provide
13 administrative assistance to the flood planning group.

14 (c) The governing body of each county located wholly or
15 partly in the flood planning region shall hold public meetings in
16 that county to gather from interested persons, including members of
17 the public and other political subdivisions located in that county,
18 suggestions and recommendations as to issues, provisions, or
19 projects and strategies that should be considered for inclusion in
20 the plan.

21 (d) Each flood planning group shall consider the
22 information collected under Subsection (c) in creating a regional
23 flood plan. A regional flood plan must:

24 (1) use information based on scientific data and
25 updated mapping; and

26 (2) include:

27 (A) a description of the condition and

functionality of flood control infrastructure in the flood planning region;

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

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

(D) an indication of whether a particular flood control solution:

(i) meets an emergency need;

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

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

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

(1) publish notice of the public meeting once in a newspaper of general circulation in each county located wholly or partly in the flood planning region not later than the 30th day before the date of the meeting;

(2) post notice of the public meeting in acceptable online media according to board rule; and

(3) mail notice of the public meeting to:

(A) the mayor of each municipality with a population of more than 1,000 located in the flood planning region;

1 (B) the commissioners court of each county
2 located wholly or partly in the flood planning region; and

3 (C) each special purpose district with
4 jurisdiction over water supply or flood control located wholly or
5 partly in the flood planning region.

6 (f) The notice published, posted, or mailed under
7 Subsection (e) must contain:

8 (1) the date, time, and location of the public meeting
9 or hearing;

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

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

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

15 (g) After consideration of the comments received at the
16 public meeting, the flood planning group shall submit the completed
17 regional flood plan to the board. The board shall make a
18 determination whether the regional flood plan:

19 (1) satisfies the requirements for regional flood
20 plans adopted in the guidance described by Subsection (a);

21 (2) adequately provides for the preservation of life
22 and property and the development of water supply sources, where
23 applicable; and

24 (3) affects a neighboring area.

25 (h) If the board makes a determination that an element of a
26 regional flood plan negatively affects a neighboring area, the
27 board must coordinate with the affected area to adjust the plan to

ensure that no neighboring area is negatively affected by the plan.

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

(1) satisfies the requirements of Subsections (g)(1)
and (2); and

(2) does not negatively affect a neighboring area.

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

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

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

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

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

(2) "Water development board" means the Texas Water
Development Board.

(b) The state board shall prepare and adopt a plan
describing the repair and maintenance needs of flood control dams
in this state and prepare and adopt a new plan before the end of the
10th year following the adoption of a plan.

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

(d) Each year, the state board shall deliver to the water
development board a report regarding progress made on items listed

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

5 SECTION 3. (a) In this section:

6 (1) "Advisory committee" means the State Flood Plan
7 Implementation Advisory Committee.

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

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

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

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

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

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

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

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

27 (c) The chair of the committee of the senate having primary

1 jurisdiction over water resources and the chair of the committee of
2 the house of representatives having primary jurisdiction over
3 natural resources serve as the co-chairs of the advisory committee.

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

8 (e) Except as otherwise provided by this subsection, a
9 member of the advisory committee is not entitled to receive
10 compensation for service on the committee or reimbursement for
11 expenses incurred in the performance of official duties as a member
12 of the committee. Service on the advisory committee by a member of
13 the senate or house of representatives is considered legislative
14 service for which the member is entitled to reimbursement and other
15 benefits in the same manner and to the same extent as for other
16 legislative service.

17 (f) The advisory committee shall review the overall
18 operation, function, and structure of the state flood plan and
19 rules adopted by the board to implement the state flood plan at
20 least semiannually and may provide comments and recommendations to
21 the board on any matter.

22 (g) The advisory committee may adopt rules, procedures, and
23 policies as needed to administer this section and implement its
24 responsibilities.

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

27 (i) The advisory committee shall make recommendations to

1 the board regarding information to be posted on the board's
2 Internet website under Section 15.440(b), Water Code.

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

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

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

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