

SENATE AMENDMENTS

2nd Printing

By: Metcalf, Larson, Phelan, Huberty,
Oliverson, et al.

H.B. No. 26

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

20 (a-2) Emergency operation centers notified under Subsection
21 (a-1) shall provide notice to the public when a release may
22 contribute to flooding that may result in damage to life and
23 property through all available means and shall include, at a
24 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.

22

ADOPTED

MAY 17 2019

Larry Spaul
Secretary of the Senate

By: Nichols H.B. No. 26
Substitute the following for H.B. No. 26:
By: *Michael D. ...* C.S. H.B. No. 26

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24 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;
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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 owner or operator
26 shall deliver the notification plan described by Subsection (a) of
27 this section for each dam to the Texas Commission on Environmental

1 Quality.

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

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 17, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB26 by Metcalf (Relating to the notification of affected persons of certain releases of water from certain dams.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Water Code to require the Texas Commission on Environmental Quality (TCEQ) to make and enforce rules relating to the emergency management of dams under its regulation. Based on the analysis of TCEQ, duties and responsibilities associating with implementing the provisions of the bill can be absorbed with existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: WP, SD, SZ, GDz

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 15, 2019

TO: Honorable Charles Perry, Chair, Senate Committee on Water & Rural Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB26 by Metcalf (Relating to the notification of affected persons of certain releases of water from certain dams.), **Committee Report 2nd House, Substituted**

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No significant fiscal implication to units of local government is anticipated.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: WP, SZ, GDz

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 16, 2019

TO: Honorable Charles Perry, Chair, Senate Committee on Water & Rural Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB26 by Metcalf (Relating to the notification of affected persons of certain releases of water from certain dams.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Water Code to require the Texas Commission on Environmental Quality (TCEQ) to make and enforce rules relating to the emergency management of dams under its regulation. Based on the analysis of TCEQ, duties and responsibilities associating with implementing the provisions of the bill can be absorbed with existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: WP, SZ, GDz

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 27, 2019

TO: Honorable Lyle Larson, Chair, House Committee on Natural Resources

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB26 by Metcalf (Relating to the notification of affected persons of certain releases of water from certain dams.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Water Code to require the Texas Commission on Environmental Quality (TCEQ) to make and enforce rules relating to the emergency management of dams under its regulation. Based on the analysis of TCEQ, duties and responsibilities associating with implementing the provisions of the bill can be absorbed with existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: WP, SZ, GDz

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 18, 2019

TO: Honorable Lyle Larson, Chair, House Committee on Natural Resources

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB26 by Metcalf (Relating to the creation of an alert system to notify affected persons of certain releases of water from certain dams.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Water Code to require the Texas Commission on Environmental Quality (TCEQ) to establish the Texas Dam Release Alert System with cooperation from the Texas Department of Transportation, the Office of the Governor, dam operations and other appropriate emergency response agencies and that this alert system would operate in conjunction with other emergency alert systems.

Based on information provided by the Texas Commission on Environmental Quality, the Trusteed Programs Within the Office of the Governor, the Department of Transportation, and the Commission on State Emergency Communications, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be absorbed with existing resources.

Local Government Impact

Local governments will likely be impacted to the extent that it will be necessary to coordinate with TCEQ to carry out the bill's provisions.

Source Agencies: 300 Trusteed Programs Within the Office of the Governor, 477
Commission on State Emergency Communications, 582 Commission on
Environmental Quality, 601 Department of Transportation

LBB Staff: WP, SZ, MW, GDz, TG, AF