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Chapter 565

S.B. No. 8

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;

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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
3 shall:

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

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

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

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

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

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1 as an ex officio member of each flood planning group.

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

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

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

13 (2) include:

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

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

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

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

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

26 (i) meets an emergency need;

27 (ii) uses federal money as a funding

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1 component; and

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

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

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

11 (2) publish, post, or otherwise disseminate notice of
12 the public meeting according to the method described by Subdivision
13 (1).

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

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

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

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

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

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

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1 (1) satisfies the requirements for regional flood
2 plans adopted in the guidance principles described by Subsection
3 (a);

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

7 (3) affects a neighboring area.

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

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

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

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

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

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

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

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

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

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

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

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

9 (1) Section 13, Flood Control Act of 1944 (Pub. L. No.
10 78-534);

11 (2) the pilot watershed program authorized under the
12 Department of Agriculture Appropriation Act, 1954 (Pub. L. No.
13 83-156);

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

16 (4) Subtitle H, Title XV, Agriculture and Food Act of
17 1981 (Pub. L. No. 97-98).

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

20 (d-1) The water development board, in coordination with the
21 state board and the Texas Commission on Environmental Quality,
22 shall prepare a report of the repair and maintenance needs of all
23 dams that:

24 (1) are not licensed by the Federal Energy Regulatory
25 Commission;

26 (2) do not have flood storage;

27 (3) are required to pass floodwaters; and

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1 (4) have failed.

2 (e) Each year, the state board shall deliver to the water
3 development board a report regarding progress made on items listed
4 in the plan. If an update to the report or plan is necessary before
5 the yearly report or before the end of the 10-year cycle, the state
6 board must deliver to the water development board an amended report
7 or plan.

8 SECTION 3. (a) In this section:

9 (1) "Advisory committee" means the State Flood Plan
10 Implementation Advisory Committee.

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

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

14 (1) the chair of the committee of the senate having
15 primary jurisdiction over water resources;

16 (2) the chair of the committee of the house of
17 representatives having primary jurisdiction over natural
18 resources;

19 (3) a member of the committee of the senate having
20 primary jurisdiction over matters relating to finance, appointed by
21 the lieutenant governor;

22 (4) a member of the committee of the house of
23 representatives having primary jurisdiction over appropriations,
24 appointed by the speaker of the house of representatives;

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

27 (6) a representative of the State Soil and Water

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1 Conservation Board, chosen by the State Soil and Water Conservation
2 Board.

3 (c) The chair of the committee of the senate having primary
4 jurisdiction over water resources and the chair of the committee of
5 the house of representatives having primary jurisdiction over
6 natural resources serve as the co-chairs of the advisory committee.

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

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

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

25 (g) The advisory committee may adopt rules, procedures, and
26 policies as needed to administer this section and implement its
27 responsibilities.

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1 (h) Chapter 2110, Government Code, does not apply to the
2 size, composition, or duration of the advisory committee.

3 (i) The advisory committee shall make recommendations to
4 the board regarding information to be posted on the board's
5 Internet website.

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

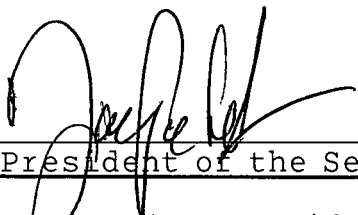
8 SECTION 4. (a) Not later than September 1, 2021, the Texas
9 Water Development Board shall adopt guidance principles for the
10 regional flood plans and designate flood planning regions
11 corresponding to each river basin as required by Section 16.062,
12 Water Code, as added by this Act.

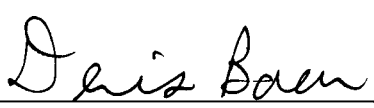
13 (b) Not later than January 10, 2023, each flood planning
14 group shall submit a regional flood plan to the Texas Water
15 Development Board for the group's flood planning region, as
16 required by Section 16.062, Water Code, as added by this Act.

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

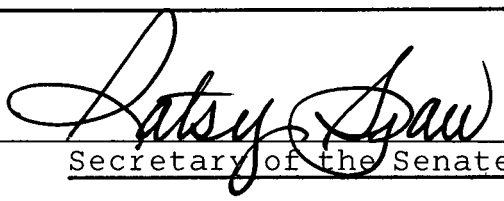
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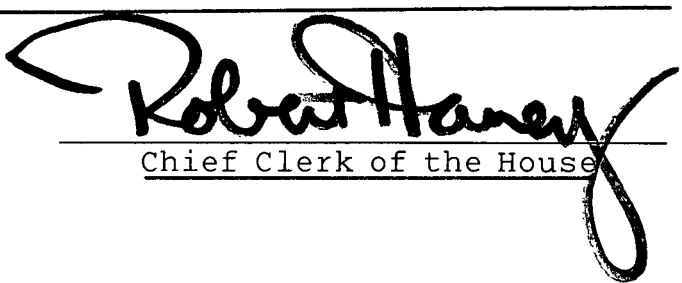

President of the Senate


Speaker of the House

I hereby certify that S.B. No. 8 passed the Senate on March 20, 2019, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 25, 2019, by the following vote: Yeas 30, Nays 0.

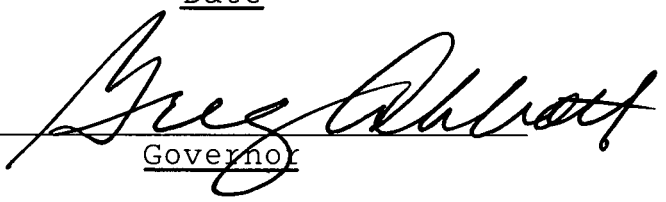

Secretary of the Senate

I hereby certify that S.B. No. 8 passed the House, with amendments, on May 22, 2019, by the following vote: Yeas 139, Nays 3, two present not voting.

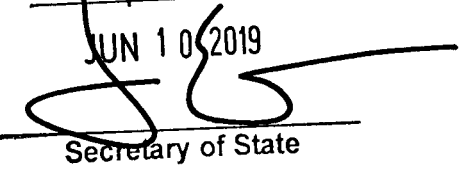

Chief Clerk of the House

Approved:

6 - 9 - 2019
Date


Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
6:00pm O'CLOCK

JUN 10 2019

Secretary of State