

**SUBJECT:** Establishing state and regional flood plans

**COMMITTEE:** Natural Resources — favorable, without amendment

**VOTE:** 9 ayes — Larson, Metcalf, Dominguez, Harris, Lang, Nevárez, Oliverson, Price, Ramos

0 nays

2 absent — Farrar, T. King

**SENATE VOTE:** On final passage, March 20 — 31-0

**WITNESSES:** For — Carl Woodward, Harris County Flood Control District; *(Registered, but did not testify:* Trey Lary, Allen Boone Humphries Robinson LLP; Dana Harris, Austin Chamber of Commerce; Matt Phillips, Brazos River Authority; Sally Bakko, City of Galveston; Bill Kelly and Jamaal Smith, City of Houston Mayor's Office; Taylor Landin, Greater Houston Partnership; Donna Warndorf, Harris County Commissioners Court; Laurie Filipelli, League of Women Voters of Texas; Cyrus Reed, Lone Star Chapter Sierra Club; Tom Oney, Lower Colorado River Authority; J.D. Hale, Texas Association of Builders; Mia Hutchens, Texas Association of Business; Billy Howe, Texas Farm Bureau; Wes Birdwell, Texas Floodplain Management Association; Dean Robbins and Stacey Steinbach, Texas Water Conservation Association; Heather Harward, Texas Water Supply Partners)

Against — *(Registered, but did not testify:* Bill Kelberlau; Ronda McCauley)

On — *(Registered, but did not testify:* Jeff Walker, Texas Water Development Board)

**DIGEST:** SB 8 would create a process to adopt a state flood plan based on regional water plans, establish a temporary advisory committee, and require reports on a dam repair and maintenance plan.

**State flood plan.** The bill would require the Texas Water Development Board (TWDB) to prepare and adopt a comprehensive state flood plan that incorporated regional flood plans by September 1, 2024, and before the end of each five-year period after that date.

The state flood plan would have to provide for orderly preparation for and response to flood conditions to protect against the loss of life and property, be a guide to state and local flood control policy, and contribute to water development where possible.

SB 8 would require the state flood plan to include:

- an evaluation of the condition and adequacy of flood control infrastructure on a regional basis;
- a statewide, ranked list of ongoing and proposed flood control and mitigation projects;
- an analysis of flood control projects included in previous state flood plans;
- an analysis of development in the 100-year floodplain areas; and
- legislative recommendations.

TWDB, in coordination with other state entities, would have to adopt guidance principles for the state flood plan that reflected the public interest of the entire state. The bill would require TWDB to review and revise the principles as necessary and at least every five years to coincide with the five-year cycle for adoption of a new state flood plan.

On adoption of a state flood plan, TWDB would have to deliver the plan to the governor, lieutenant governor, House speaker, and appropriate legislative committees and leadership.

**Regional flood planning.** SB 8 would require TWDB to designate flood planning regions corresponding to each river basin, provide technical and financial assistance to the groups, and adopt guidance principles for regional flood plans.

In designating flood planning regions, TWDB could divide river basins to avoid having an impracticably large area for efficient planning in a region.

TWDB would have to designate representatives from each region to serve as the initial flood planning group. The initial group could then designate additional representatives to serve on the group.

The bill would require the initial group to designate additional representatives if necessary to ensure adequate representation from the interests in its region, including the public, counties, cities, industries, agricultural or environmental interests, small businesses, electric utilities, river authorities, water districts, and water authorities. The group would have to maintain adequate representation from those interests. TWDB and each state agency that coordinated with TWDB in adopting state flood plan guidance principles also would appoint a representative to serve as an ex officio member of each flood planning group.

SB 8 would require each regional flood planning group to hold public meetings as provided by board rule to gather from interested persons suggestions and recommendations that should be considered in a regional flood plan.

The bill would require a regional flood plan to use information based on scientific data and updated mapping and include:

- a general description of the condition and functionality of flood control infrastructure in the flood planning region;
- flood control projects under construction or in the planning stage;
- information on land use changes and population growth in the region;
- an identification of the areas in the region prone to flood and flood control solutions for those areas; and
- an indication of whether a particular solution met an emergency need, used federal money, and also could serve as a water supply source.

After preparing a region flood plan, the group would have to hold at least one public meeting to accept comments on the plan. The planning group would have to cooperate with TWDB to determine the method for providing notice for the meeting and publish or disseminate the notice in accordance with that method.

The notice would have to contain the date, time, and location of the public meeting, a summary of the flood plan, contact information of a person to whom questions could be submitted, and information on how to submit public comments.

The bill would require the regional planning group, after consideration of comments, to adopt the regional flood plan and submit it to TWDB. TWDB then would make a determination on whether the plan satisfied regional flood plan requirements, adequately provided for the preservation of life and property and the applicable development of water supply sources, and affected a neighboring area.

If the board determined that an element of a regional flood plan would negatively affect a neighboring area, TWDB would have to coordinate with the affected area to adjust the plan. TWDB would adopt a plan after it satisfied all requirements and did not negatively affect a neighboring area.

A flood planning group could amend a plan after it was approved by TWDB according to rules adopted by the board.

Each flood planning group and committee or subcommittee of a group would be subject to open meeting and public disclosure laws.

The bill would require TWDB to adopt guidance principles for regional flood plans and to designate flood planning regions by September 1, 2021. Each flood planning group would have to submit a regional flood plan to TWDB by January 10, 2023.

**Advisory committee.** SB 8 would establish the State Flood Plan Implementation Advisory Committee, which would be composed of the following six members:

- the chair of the Senate committee with primary jurisdiction over water resources;
- the chair of the House committee with primary jurisdiction over natural resources;
- a member of the Senate committee with primary jurisdiction over finance, appointed by the lieutenant governor;
- a member of the House committee with primary jurisdiction over appropriations, appointed by the House speaker;
- a representative of the Texas Division of Emergency Management; and
- a representative of the State Soil and Water Conservation Board.

The chairs of the Senate and House committees with jurisdiction over water or natural resources, respectively, would serve as co-chairs of the advisory committee.

The advisory committee could hold public hearings, formal meetings, or work sessions. The bill would prohibit the committee from taking formal action unless a quorum was present.

Members of the advisory committee would not be entitled to compensation for service on the committee or reimbursement for expenses incurred in the performance of official duties as a member of the committee. Service would be considered legislative service for which the member was entitled for reimbursement and benefits to the same extent as for other legislative service.

SB 8 would require the advisory committee to review the overall operation, function, and structure of the state flood plan as well as rules adopted by TWDB to implement the plan at least semiannually. The committee could provide recommendations and comments to TWDB on any matter and would have to make recommendations regarding

information to be posted to TWDB's website.

The advisory committee would not be subject to laws on the size, composition, or duration of state agency advisory committees.

This provision would expire and the advisory committee would be dissolved on September 1, 2021.

**Dam repair and maintenance plan, report.** SB 8 would require the State Soil and Water Conservation Board to prepare and adopt a plan describing the repair and maintenance needs of flood control dams every 10 years.

The plan would have to include projects under jurisdiction of the state board and authorized under certain federal laws. The state board would have to deliver an adopted 10-year plan to TWDB.

Each year, the state board would have to deliver to TWDB a report regarding progress made on items listed in the 10-year plan. If an update to the plan was necessary before the yearly report or before the end of the 10-year cycle, the state board would have to deliver an amended report or plan to TWDB.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

**SUPPORTERS  
SAY:**

SB 8 would create a coordinated and collaborative state flood plan, based on regional flood plans, that would bring all stakeholders together to plan for and mitigate future flood events.

According to the National Oceanic and Atmospheric Administration, there have been hundreds of flood events in Texas since 2000, which have resulted in many deaths and hundreds of millions of dollars in damages across the state. Recent floods throughout the state in 2015 and Hurricane Harvey in 2017 have further revealed the need for a concerted effort to

plan for flooding events both on the coast and statewide.

SB 8 would address this need by establishing a state flood plan to consolidate efforts to address and mitigate floods across political boundaries, allowing for the development of greater flooding solutions and for transparency for stakeholders and residents to participate in the flood planning process. The bill would ensure that the regional flood plan of one area did not negatively affect a neighboring area by requiring the Texas Water Development Board to work with any region affected by a plan until the issue was resolved. An advisory committee made up of several state agencies and appropriate members of the Legislature would review the state flood plan's initial implementation.

Funds for implementing the state flood planning process established by SB 8 could be provided through the supplemental budget as it is considered by the conference committee.

**OPPONENTS  
SAY:**

While SB 8 addresses a need for flood planning in the state, funding may not be available to implement the bill's provisions. The framework to pay for the bill, which has a significant fiscal note through the upcoming biennium, is not included in the supplemental budget bill as passed by the House on March 28.

**NOTES:**

According to the Legislative Budget Board, the bill would have a negative impact of \$43.4 million to general revenue related funds through fiscal 2020-21.