

BILL ANALYSIS

Senate Research Center
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H.B. 995
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Since 2013, flooding caused by stormwater has caused approximately \$4 million in damages to property in El Paso County. In addition to significant property damage, stormwater flooding risks public safety. A mechanism is needed to bring all impacted areas and jurisdictions in El Paso County together to create a set of policies and procedures to address and mitigate stormwater flooding.

H.B. 995 promotes collaboration between jurisdictions and areas affected by flooding and will allow these entities to coordinate and adopt a plan to facilitate the development and management of integrated stormwater control and recapture planning within the authority's territory.

H.B. 995 amends current law relating to the establishment of stormwater control and recapture planning authorities in certain counties.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle C, Title 12, Local Government Code, by adding Chapter 391A, as follows:

CHAPTER 391A. STORMWATER CONTROL AND RECAPTURE PLANNING AUTHORITIES IN CERTAIN COUNTIES

Sec. 391A.001. **DEFINITIONS.** Defines, in this chapter, "affected county" and "authority."

Sec. 391A.002. **ESTABLISHMENT.** (a) Provides that a stormwater control and recapture planning authority is established in each affected county in this state.

(b) Provides that an authority is a political subdivision of this state.

Sec. 391A.003. **TERRITORY.** Provides that the territory of an authority includes all of the territory in the affected county in which the authority is located except any territory within the boundaries or extraterritorial jurisdiction of that county's largest municipality, provided that the municipality has a plan in place for the control of stormwater on the date the authority is established.

Sec. 391A.004. **BOARD OF DIRECTORS.** Provides that the governing body of an authority is a board of directors composed of:

(1) a representative of the county in which the authority is located and each municipality within the territory of the authority;

- (2) a representative of each water utility within the territory of the authority not also described by Subdivision (1);
- (3) a representative of each water district within the territory of the authority that has been in operation for at least 15 years; and
- (4) each member of the state legislature whose legislative district is wholly or partly in the territory of the authority.

Sec. 391A.005. POWERS AND DUTIES. (a) Requires that an authority:

- (1) coordinate and adopt a long-range master plan to facilitate the development and management of integrated stormwater control and recapture projects and facilities within the authority's territory;
- (2) apply for, accept, and receive gifts, grants, loans, and other money available from any source, including the state, the federal government, and an entity represented on the board of directors under Sections 391A.004(1), (2), and (3), to perform its purposes; and
- (3) assist an entity represented on the board of directors under Sections 391A.004(1), (2), and (3) in carrying out an objective included in the authority's master plan.

(b) Authorizes the authority to enter into contracts as necessary to carry out the authority's powers and duties, and employ staff and consult with and retain experts.

(c) Prohibits the authority from imposing a tax or issuing bonds, or regulating the structures or facilities of an electric utility as "electric utility" is defined by Section 31.002 (Definitions), Utilities Code.

Sec. 391A.006. EXPIRATION OF CHAPTER. Provides that this chapter expires September 1, 2023.

SECTION 2. Effective date: upon passage or September 1, 2015.