

BILL ANALYSIS

Senate Research Center
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H.B. 1059
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Water & Rural Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1059 amends current law relating to a biennial report on stormwater infrastructure in this state.

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 Subchapter D, Chapter 5, Water Code, by adding Section 5.136, as follows:

Sec. 5.136. BIENNIAL REPORT ON STORMWATER INFRASTRUCTURE. (a) Defines "green stormwater infrastructure" for purposes of this section.

(b) Requires the Texas Commission on Environmental Quality (TCEQ) to appoint a Green Stormwater Infrastructure and Low Impact Development Report Group each state fiscal biennium to prepare a report on the use of green stormwater infrastructure and low impact development in this state. Requires each group to be composed of 10 members appointed by TCEQ, with one member to represent each of the following:

- (1) counties;
- (2) municipalities;
- (3) special districts that have land development authority or provide water or wastewater services;
- (4) academic university programs related to land development;
- (5) businesses engaged in real estate development;
- (6) civil engineers;
- (7) landscape architects;
- (8) environmental groups;
- (9) professional organizations focused on water conservation; and
- (10) vendors and providers of green stormwater infrastructure and low impact development systems or practices.

(c) Requires TCEQ to solicit nominations for group members from the entities listed in Subsection (b). Prohibits TCEQ from appointing a person to serve as a group member representing a type of entity unless the person is nominated by a

representative of that type of entity.

(d) Requires each report to include:

(1) a list of each county, municipality, and special district with land development authority that allows the use of green stormwater infrastructure and low impact development in land development projects in the county, municipal, or district territory;

(2) estimates of:

(A) the number of private and public projects and sites in this state that use green stormwater infrastructure and low impact development;

(B) the amount of stormwater that is managed by the green stormwater infrastructure and low impact development features described in Paragraph (A); and

(C) the amount of money invested in the green stormwater infrastructure and low impact development features described in Paragraph (A);

(3) a monetized assessment of the social, economic, and environmental benefits realized by the use of green stormwater infrastructure and low impact development in this state;

(4) an assessment of typical impediments to the use of green stormwater infrastructure and low impact development in local development codes;

(5) an assessment of impediments in the law and policies of this state to the use of green stormwater infrastructure and low impact development; and

(6) recommendations to encourage increased use and deployment of green stormwater infrastructure and low impact development in this state.

(e) Requires TCEQ to:

(1) publicly solicit information to support the preparation of the report; and

(2) cooperate with the group in providing information or access to information.

(f) Requires the group to:

(1) conduct at least one meeting to receive input on the preparation of the report;

(2) prepare a draft report;

(3) publish the draft report and solicit comments on the draft report;

(4) prepare a response-to-comments document and finalize the report; and

(5) not later than January 1 of the second year of the state fiscal biennium, submit the final report to:

(A) each member of TCEQ;

- (B) the governor;
- (C) the lieutenant governor;
- (D) the speaker of the house of representatives; and
- (E) each member of the legislature.

SECTION 2. (a) Requires TCEQ to appoint the members of the first Green Stormwater Infrastructure and Low Impact Development Report Group under Section 5.136, Water Code, as added by this Act, in a timely manner to ensure that the group is able to prepare the report by January 1, 2021.

(b) Provides that, notwithstanding Section 5.136(d), Water Code, as added by this Act, the first biennial report prepared by the Green Stormwater Infrastructure and Low Impact Development Report Group is required to include only information described by Section 5.136(d), Water Code, as added by this Act, that TCEQ requires to be in the report.

SECTION 3. Effective date: September 1, 2019.