

1-1 By: Rodríguez S.B. No. 2026  
 1-2 (In the Senate - Filed March 10, 2017; March 27, 2017, read  
 1-3 first time and referred to Committee on Agriculture, Water & Rural  
 1-4 Affairs; May 3, 2017, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 6, Nays 0; May 3, 2017,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 2026 By: Creighton

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to a biennial report on stormwater infrastructure in this  
 1-20 state.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter D, Chapter 5, Water Code, is amended  
 1-23 by adding Section 5.136 to read as follows:

1-24 Sec. 5.136. BIENNIAL REPORT ON STORMWATER INFRASTRUCTURE.

1-25 (a) In this section, the term "green stormwater infrastructure,"  
 1-26 also known as "low impact development," means systems and practices  
 1-27 that:

1-28 (1) use or mimic natural processes that result in the  
 1-29 infiltration, evapotranspiration, treatment, or use of stormwater;

1-30 (2) manage stormwater, protect water quality and  
 1-31 associated habitat, or augment or replace conventional engineered  
 1-32 stormwater systems;

1-33 (3) meet local requirements for postdevelopment  
 1-34 stormwater retention and detention and erosion management; and

1-35 (4) are considered best management practices.

1-36 (b) Each state fiscal biennium the commission shall appoint  
 1-37 a Green Stormwater Infrastructure and Low Impact Development Report  
 1-38 Group to prepare a report on the use of green stormwater  
 1-39 infrastructure and low impact development in this state. Each  
 1-40 group must be composed of 10 members appointed by the commission,  
 1-41 with one member to represent each of the following:

1-42 (1) counties;

1-43 (2) municipalities;

1-44 (3) special districts that have land development  
 1-45 authority or provide water or wastewater services;

1-46 (4) academic university programs related to land  
 1-47 development;

1-48 (5) businesses engaged in real estate development;

1-49 (6) civil engineers;

1-50 (7) landscape architects;

1-51 (8) environmental groups;

1-52 (9) professional organizations focused on water  
 1-53 conservation; and

1-54 (10) vendors and providers of green stormwater  
 1-55 infrastructure and low impact development systems or practices.

1-56 (c) The commission shall solicit nominations for group  
 1-57 members from the entities listed in Subsection (b). The commission  
 1-58 may not appoint a person to serve as a group member representing a  
 1-59 type of entity unless the person is nominated by a representative of  
 1-60 that type of entity.

- 2-1 (d) Each report must include:
- 2-2 (1) a list of each county, municipality, and special
- 2-3 district with land development authority that allows the use of
- 2-4 green stormwater infrastructure and low impact development in land
- 2-5 development projects in the county, municipal, or district
- 2-6 territory;
- 2-7 (2) estimates of:
- 2-8 (A) the number of private and public projects and
- 2-9 sites in this state that use green stormwater infrastructure and
- 2-10 low impact development;
- 2-11 (B) the amount of stormwater that is managed by
- 2-12 the green stormwater infrastructure and low impact development
- 2-13 features described in Paragraph (A); and
- 2-14 (C) the amount of money invested in the green
- 2-15 stormwater infrastructure and low impact development features
- 2-16 described in Paragraph (A);
- 2-17 (3) a monetized assessment of the social, economic,
- 2-18 and environmental benefits realized by the use of green stormwater
- 2-19 infrastructure and low impact development in this state;
- 2-20 (4) an assessment of typical impediments to the use of
- 2-21 green stormwater infrastructure and low impact development in local
- 2-22 development codes;
- 2-23 (5) an assessment of impediments in the law and
- 2-24 policies of this state to the use of green stormwater
- 2-25 infrastructure and low impact development; and
- 2-26 (6) recommendations to encourage increased use and
- 2-27 deployment of green stormwater infrastructure and low impact
- 2-28 development in this state.
- 2-29 (e) The commission shall:
- 2-30 (1) publicly solicit information to support the
- 2-31 preparation of the report; and
- 2-32 (2) cooperate with the group in providing information
- 2-33 or access to information.
- 2-34 (f) The group shall:
- 2-35 (1) conduct at least one meeting to receive input on
- 2-36 the preparation of the report;
- 2-37 (2) prepare a draft report;
- 2-38 (3) publish the draft report and solicit comments on
- 2-39 the draft report;
- 2-40 (4) prepare a response-to-comments document and
- 2-41 finalize the report; and
- 2-42 (5) not later than January 1 of the second year of the
- 2-43 state fiscal biennium, submit the final report to:
- 2-44 (A) each member of the commission;
- 2-45 (B) the governor;
- 2-46 (C) the lieutenant governor;
- 2-47 (D) the speaker of the house of representatives;
- 2-48 and
- 2-49 (E) each member of the legislature.

2-50 SECTION 2. (a) The Texas Commission on Environmental  
 2-51 Quality shall appoint the members of the first Green Stormwater  
 2-52 Infrastructure and Low Impact Development Report Group under  
 2-53 Section 5.136, Water Code, as added by this Act, in a timely manner  
 2-54 to ensure that the group is able to prepare the report by January 1,  
 2-55 2019.

2-56 (b) Notwithstanding Section 5.136(d), Water Code, as added  
 2-57 by this Act, the first biennial report prepared by the Green  
 2-58 Stormwater Infrastructure and Low Impact Development Report Group  
 2-59 is required to include only information described by Section  
 2-60 5.136(d), Water Code, as added by this Act, that the Texas  
 2-61 Commission on Environmental Quality requires to be in the report.

2-62 SECTION 3. This Act takes effect immediately if it receives  
 2-63 a vote of two-thirds of all the members elected to each house, as  
 2-64 provided by Section 39, Article III, Texas Constitution. If this  
 2-65 Act does not receive the vote necessary for immediate effect, this  
 2-66 Act takes effect September 1, 2017.

2-67 \* \* \* \* \*