

1-1 By: Metcalf, et al. (Senate Sponsor - Nichols) H.B. No. 26
1-2 (In the Senate - Received from the House April 11, 2019;
1-3 April 15, 2019, read first time and referred to Committee on Water
1-4 & Rural Affairs; May 16, 2019, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 16, 2019, 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 H.B. No. 26 By: Johnson

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

1-19 relating to the notification of affected persons of certain
1-20 releases of water from certain dams.

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

1-22 SECTION 1. Section 12.052, Water Code, is amended by
1-23 amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3),
1-24 and (a-4) to read as follows:

1-25 (a) The commission shall make and enforce rules and orders
1-26 and shall perform all other acts necessary to provide for the safe
1-27 construction, operation, maintenance, repair, ~~and~~ removal, and
1-28 emergency management of dams located in this state. In performing
1-29 the commission's duties under this subsection, the commission shall
1-30 identify and focus on the most hazardous dams in the state.

1-31 (a-1) The commission shall require the owner or operator of
1-32 a state-regulated dam that has a spillway with gates used to
1-33 regulate flood waters to notify local emergency operation centers
1-34 in downstream communities when spillway releases are made to
1-35 regulate flood waters, according to the commission's emergency
1-36 action plan guidelines.

1-37 (a-2) Emergency operation centers notified under Subsection
1-38 (a-1) shall provide notice to the public when a release may
1-39 contribute to flooding that may result in damage to life and
1-40 property through all available means and shall include, at a
1-41 minimum, the following information, if available:

1-42 (1) the names of the dam and reservoir;

1-43 (2) the communities downstream that may be impacted
1-44 and estimated time of impact;

1-45 (3) the names of affected river basins and
1-46 tributaries;

1-47 (4) the expected duration of the release;

1-48 (5) the level of potential flooding according to the
1-49 National Weather Service River Forecast Center; and

1-50 (6) the roads or bridges that are expected to be
1-51 affected.

1-52 (a-3) A notice provided under Subsection (a-2) must include
1-53 the following disclaimer: "Actual flood conditions may vary
1-54 significantly from the alert based on new or changed conditions;
1-55 advanced alerts of changed conditions may not be possible."

1-56 (a-4) Notwithstanding any other defense or immunity that
1-57 may apply, a notice provided under Subsection (a-1) or (a-2) may not
1-58 be considered an admission of liability and may not be used as
1-59 evidence in any suit related to the releases that are the subject of
1-60 the notice.

2-1 SECTION 2. (a) Not later than January 1, 2020, the Texas
2-2 Commission on Environmental Quality shall provide guidance for
2-3 developing a notification plan through a dam owner's emergency
2-4 action plan for state-regulated dams that have a spillway with
2-5 gates used to regulate flood waters.

2-6 (b) Not later than June 1, 2020, a dam owner or operator
2-7 shall deliver the notification plan described by Subsection (a) of
2-8 this section for each dam to the Texas Commission on Environmental
2-9 Quality.

2-10 SECTION 3. This Act takes effect September 1, 2019.

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