

1-1 By: Lucio III (Senate Sponsor - Rodríguez) H.B. No. 1059
1-2 (In the Senate - Received from the House May 2, 2019;
1-3 May 3, 2019, read first time and referred to Committee on Water &
1-4 Rural Affairs; May 19, 2019, reported favorably by the following
1-5 vote: Yeas 7, Nays 0; May 19, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>Perry</u>	X		
1-9	<u>Creighton</u>	X		
1-10	<u>Alvarado</u>	X		
1-11	<u>Johnson</u>	X		
1-12	<u>Kolkhorst</u>	X		
1-13	<u>Rodríguez</u>	X		
1-14	<u>Taylor</u>	X		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to a biennial report on stormwater infrastructure in this
1-18 state.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Subchapter D, Chapter 5, Water Code, is amended
1-21 by adding Section 5.136 to read as follows:

1-22 Sec. 5.136. BIENNIAL REPORT ON STORMWATER INFRASTRUCTURE.

1-23 (a) In this section, the term "green stormwater infrastructure,"
1-24 also known as "low impact development," means systems and practices
1-25 that:

1-26 (1) use or mimic natural processes that result in the
1-27 infiltration, evapotranspiration, treatment, or use of stormwater;

1-28 (2) manage stormwater, protect water quality and
1-29 associated habitat, or augment or replace conventional engineered
1-30 stormwater systems;

1-31 (3) meet local requirements for post-development
1-32 stormwater retention and detention and erosion management; and

1-33 (4) are considered best management practices.

1-34 (b) Each state fiscal biennium the commission shall appoint
1-35 a Green Stormwater Infrastructure and Low Impact Development Report
1-36 Group to prepare a report on the use of green stormwater
1-37 infrastructure and low impact development in this state. Each
1-38 group must be composed of 10 members appointed by the commission,
1-39 with one member to represent each of the following:

1-40 (1) counties;

1-41 (2) municipalities;

1-42 (3) special districts that have land development
1-43 authority or provide water or wastewater services;

1-44 (4) academic university programs related to land
1-45 development;

1-46 (5) businesses engaged in real estate development;

1-47 (6) civil engineers;

1-48 (7) landscape architects;

1-49 (8) environmental groups;

1-50 (9) professional organizations focused on water
1-51 conservation; and

1-52 (10) vendors and providers of green stormwater
1-53 infrastructure and low impact development systems or practices.

1-54 (c) The commission shall solicit nominations for group
1-55 members from the entities listed in Subsection (b). The commission
1-56 may not appoint a person to serve as a group member representing a
1-57 type of entity unless the person is nominated by a representative of
1-58 that type of entity.

1-59 (d) Each report must include:

1-60 (1) a list of each county, municipality, and special
1-61 district with land development authority that allows the use of

2-1 green stormwater infrastructure and low impact development in land
2-2 development projects in the county, municipal, or district
2-3 territory;

2-4 (2) estimates of:

2-5 (A) the number of private and public projects and
2-6 sites in this state that use green stormwater infrastructure and
2-7 low impact development;

2-8 (B) the amount of stormwater that is managed by
2-9 the green stormwater infrastructure and low impact development
2-10 features described in Paragraph (A); and

2-11 (C) the amount of money invested in the green
2-12 stormwater infrastructure and low impact development features
2-13 described in Paragraph (A);

2-14 (3) a monetized assessment of the social, economic,
2-15 and environmental benefits realized by the use of green stormwater
2-16 infrastructure and low impact development in this state;

2-17 (4) an assessment of typical impediments to the use of
2-18 green stormwater infrastructure and low impact development in local
2-19 development codes;

2-20 (5) an assessment of impediments in the law and
2-21 policies of this state to the use of green stormwater
2-22 infrastructure and low impact development; and

2-23 (6) recommendations to encourage increased use and
2-24 deployment of green stormwater infrastructure and low impact
2-25 development in this state.

2-26 (e) The commission shall:

2-27 (1) publicly solicit information to support the
2-28 preparation of the report; and

2-29 (2) cooperate with the group in providing information
2-30 or access to information.

2-31 (f) The group shall:

2-32 (1) conduct at least one meeting to receive input on
2-33 the preparation of the report;

2-34 (2) prepare a draft report;

2-35 (3) publish the draft report and solicit comments on
2-36 the draft report;

2-37 (4) prepare a response-to-comments document and
2-38 finalize the report; and

2-39 (5) not later than January 1 of the second year of the
2-40 state fiscal biennium, submit the final report to:

2-41 (A) each member of the commission;

2-42 (B) the governor;

2-43 (C) the lieutenant governor;

2-44 (D) the speaker of the house of representatives;

2-45 and

2-46 (E) each member of the legislature.

2-47 SECTION 2. (a) The Texas Commission on Environmental
2-48 Quality shall appoint the members of the first Green Stormwater
2-49 Infrastructure and Low Impact Development Report Group under
2-50 Section 5.136, Water Code, as added by this Act, in a timely manner
2-51 to ensure that the group is able to prepare the report by January 1,
2-52 2021.

2-53 (b) Notwithstanding Section 5.136(d), Water Code, as added
2-54 by this Act, the first biennial report prepared by the Green
2-55 Stormwater Infrastructure and Low Impact Development Report Group
2-56 is required to include only information described by Section
2-57 5.136(d), Water Code, as added by this Act, that the Texas
2-58 Commission on Environmental Quality requires to be in the report.

2-59 SECTION 3. This Act takes effect September 1, 2019.

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