

## **BILL ANALYSIS**

C.S.H.B. 995  
By: González, Mary  
County Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

In certain areas of the state, such as in El Paso County, flooding caused by stormwater is dangerous and costly. Interested parties assert that a mechanism is needed to bring impacted areas and jurisdictions together to create a set of policies and procedures to address and mitigate stormwater flooding. C.S.H.B. 995 seeks to address this need.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 995 amends the Local Government Code to establish a stormwater control and recapture planning authority in each county in Texas that has a population of 800,000 or more and receives an average annual rainfall of 15 inches or less based on the most recent 10-year period according to data available from a reliable source. The bill makes such an authority a political subdivision of the state and establishes that an authority's territory 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.

C.S.H.B. 995 establishes that the governing body of an authority is a board of directors composed of a representative of the county in which the authority is located and of each municipality within the territory of the authority, a representative of each water utility within the territory of the authority not in a municipality, a representative of each water district within the territory of the authority that has been in operation for at least 15 years, and each member of the state legislature whose legislative district is wholly or partly in the territory of the authority.

C.S.H.B. 995 requires an authority to 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; apply for, accept, and receive gifts, grants, loans, and other money available from any source to perform its purposes; and assist certain entities represented on the board of directors in carrying out an objective included in the authority's master plan. The bill authorizes the authority to enter into contracts as necessary to carry out the authority's powers and duties and also authorizes the authority to employ staff and consult with and retain experts. The bill prohibits the authority from imposing a tax, issuing bonds, or regulating the structures or facilities of an electric utility. The bill's provisions expire September 1, 2023.

## EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

## COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 995 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

### INTRODUCED

SECTION 1. Subtitle C, Title 12, Local Government Code, is amended by adding Chapter 391A to read as follows:

#### CHAPTER 391A. STORMWATER CONTROL PLANNING AUTHORITIES IN CERTAIN COUNTIES

Sec. 391A.001. DEFINITIONS. In this chapter:

- (1) "Affected county" means a county that:  
(A) has a population of 800,000 or more; and  
(B) receives an average annual rainfall of 15 inches or less based on the most recent 10-year period according to data available from a reliable source, including the United States Department of Agriculture Natural Resources Conservation Service or the Spatial Climate Analysis Service at Oregon State University.  
(2) "Authority" means a commission established under this chapter.

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

(b) An authority is a political subdivision of this state.

Sec. 391A.003. TERRITORY.

Sec. 391A.004. BOARD OF DIRECTORS. (a) 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

### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subtitle C, Title 12, Local Government Code, is amended by adding Chapter 391A to read as follows:

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

Sec. 391A.001. DEFINITIONS. In this chapter:

- (1) "Affected county" means a county that:  
(A) has a population of 800,000 or more; and  
(B) receives an average annual rainfall of 15 inches or less based on the most recent 10-year period according to data available from a reliable source, including the United States Department of Agriculture Natural Resources Conservation Service or the PRISM Climate Group, Oregon State University.  
(2) "Authority" means a commission established under this chapter.

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

(b) An authority is a political subdivision of this state.

Sec. 391A.003. TERRITORY.

Sec. 391A.004. BOARD OF DIRECTORS. 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.

(b) An entity or person described by Subsection (a) is not required to participate in governing an authority. Participation is voluntary.

Sec. 391A.005. POWERS AND DUTIES.

(a) An authority shall:

(1) coordinate and adopt a long-range master plan to facilitate the development and management of integrated stormwater control 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) The authority may:

(1) enter into contracts as necessary to carry out the authority's powers and duties; and

(2) employ staff and consult with and retain experts.

(c) The authority may not impose a tax or issue bonds.

Sec. 391A.006. EXPIRATION OF CHAPTER.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

(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) An authority shall:

(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) The authority may:

(1) enter into contracts as necessary to carry out the authority's powers and duties; and

(2) employ staff and consult with and retain experts.

(c) The authority may not:

(1) impose a tax or issue bonds; or

(2) regulate the structures or facilities of an electric utility as "electric utility" is defined by Section 31.002, Utilities Code.

Sec. 391A.006. EXPIRATION OF CHAPTER.

SECTION 2. Same as introduced version.