

BILL ANALYSIS

C.S.H.B. 137
By: Hinojosa
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that many dams across Texas are classified as high or significant hazard and that the failure of such a dam has the potential for loss of life, environmental degradation, and excessive economic loss. It has been suggested that with the number of extreme storms on the rise the state needs to be prepared for flooding at a higher level of severity. C.S.H.B. 137 seeks to help address these issues by providing for reports by the Texas Commission on Environmental Quality about dams that have certain hazard classifications.

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. 137 amends the Water Code to require the Texas Commission on Environmental Quality (TCEQ) to provide a report of a dam that has a hazard classification of high or significant to the emergency management director, or the director's designee, for the municipality or county in which the dam is located and to the executive director or equivalent position of each council of government or local or regional development council for the area in which the dam is located. The bill establishes that the emergency management director for a municipality or county in this case is the person designated that political subdivision's emergency management director under the Texas Disaster Act of 1975. The bill requires TCEQ to make the report not later than the 30th day after the date of the designation of a dam as a high or significant hazard classification and requires the report to include the hazard classification and condition status for each dam that has had a change in hazard classification located in the political subdivision. The bill requires TCEQ to provide a biannual report including condition status and other information on each dam with a hazard classification of high or significant to the emergency management director, or the director's designee, of each municipality and county and the executive director or equivalent position of each council of government or local or regional development council in which a dam included in the report is located.

C.S.H.B. 137 requires TCEQ, for each dam that, as of the bill's effective date, the executive director of TCEQ maintains a classification of high or significant hazard, to provide a report regarding the hazard classification and condition status of the dam to the emergency management director, or the director's designee, of each municipality and county and the executive director or equivalent position of each council of government or local or regional development council in which the dam is located. The bill requires each report to be provided as soon as practicable and not later than March 1, 2020.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 137 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the entities to whom TCEQ is required to provide a report of a dam that has a hazard classification of high or significant.

The substitute includes a provision requiring the report to include the hazard classification and condition status for each dam that has had a change in hazard classification located in the political subdivision.

The substitute changes the deadline by which TCEQ is required to make a report regarding the designation of a dam as a high hazard classification and includes a biannual reporting requirement for TCEQ.