

## **BILL ANALYSIS**

Senate Research Center

S.B. 2212  
By: Taylor  
Intergovernmental Relations  
6/18/2019  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The United States Army Corps of Engineers (Corps) completed the Sabine Pass to Galveston Bay Texas Coastal Storm Risk Management and Ecosystem Restoration report in August 2017. The report identified three major projects in Orange County, Port Arthur, and Freeport to reduce storm surge and flooding. The United States Congress appropriated nearly \$4 billion to fund them. The existing drainage districts (Orange County, Drainage District 7, and Velasco, respectively) in those territories have expressed willingness to be the local partners on these projects.

S.B. 2212 allows the drainage districts to enter into a project partnership agreement with the Corps for the projects identified in the report. It does not provide any funding or commitment to the required local match but allows the districts to receive money from any source, including a public-private partnership. (Original Author's/Sponsor's Statement of Intent)

S.B. 2212 amends current law relating to the maintenance and operation of certain projects by certain drainage districts.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 34, Acts of the 57th Legislature, 3rd Called Session, 1962, by adding Section 19, as follows:

Sec. 19. (a) Authorizes the Jefferson County Drainage District No.7 of Jefferson County, Texas (Jefferson County district) to enter into a project partnership agreement with the United States Army Corps of Engineers or an agreement with the Texas General Land Office (GLO) or another state agency for a project proposed to be located in the Jefferson County district and listed in the Sabine Pass to Galveston Bay, Texas Coastal Storm Risk Management and Ecosystem Restoration report published by the United States Army Corps of Engineers in May 2017. Provides that, if the Jefferson County district enters into a project partnership agreement or an agreement with GLO or another state agency under this subsection, the Jefferson County district:

(1) is required to:

(A) develop a maintenance and operation plan for the proposed project; and

(B) biennially submit a report to GLO and the legislature on:

(i) expenditures of state money relating to a project described by this subsection; and

(ii) the extent to which additional appropriations or additional money from any other source is needed for the next biennium; and

(2) is authorized to enter into an agreement for a public-private partnership to fund a local share of or the costs of the operation and maintenance of a project described by this subsection.

(a-1) Requires the initial report described by Subsection (a)(1)(B) of this section to be submitted not later than June 1, 2020, if the Jefferson County district enters into a project partnership agreement or an agreement with GLO or another state agency under this section before May 1, 2020. Provides that this subsection expires January 1, 2021.

(b) Authorizes the Jefferson County district, if a project described by Subsection (a) of this section is built in the Jefferson County district, to accept money from any source to fund the maintenance and operation of the project and to provide local matching funds required by the project partnership agreement with the United States Army Corps of Engineers.

SECTION 2. Amends Chapter 307, Acts of the 58th Legislature, Regular Session, 1963, by adding Section 20, as follows:

Sec. 20. (a) Authorizes the Orange County Drainage District of Orange County, Texas (Orange County district) to enter into a project partnership agreement with the United States Army Corps of Engineers or an agreement with GLO or another state agency for a project proposed to be located in the Orange County district and listed in the Sabine Pass to Galveston Bay, Texas Coastal Storm Risk Management and Ecosystem Restoration report published by the United States Army Corps of Engineers in May 2017. Provides that, if the Orange County district enters into a project partnership agreement or an agreement with GLO or another state agency under this subsection, the Orange County district:

(1) is required to:

(A) develop a maintenance and operation plan for the proposed project; and

(B) biennially submit a report to GLO and the legislature on:

(i) expenditures of state money relating to a project described by this subsection; and

(ii) the extent to which additional appropriations or additional money from any other source is needed for the next biennium; and

(2) is authorized to enter into an agreement for a public-private partnership to fund a local share of or the costs of the operation and maintenance of a project described by this subsection.

(a-1) Requires the initial report described by Subsection (a)(1)(B) of this section to be submitted not later than June 1, 2020, if the Orange County district enters into a project partnership agreement or an agreement with GLO or another state agency under this section before May 1, 2020. Provides that this subsection expires January 1, 2021.

(b) Authorizes the Orange County district, if a project described by Subsection (a) of this section is built in the Orange County district, to accept money from any source to fund the maintenance and operation of the project and to provide local

matching funds required by the project partnership agreement with the United States Army Corps of Engineers.

SECTION 3. Amends Chapter 44, Acts of the 57th Legislature, 3rd Called Session, 1962, by adding Section 14, as follows

Sec. 14. (a) Authorizes the Velasco Drainage District of Brazoria County, Texas (Velasco district) to enter into a project partnership agreement with the United States Army Corps of Engineers or an agreement with GLO or another state agency for a project proposed to be located in the Velasco district and listed in the Sabine Pass to Galveston Bay, Texas Coastal Storm Risk Management and Ecosystem Restoration report published by the United States Army Corps of Engineers in May 2017. Provides that, if the Velasco district enters into a project partnership agreement or an agreement with GLO or another state agency under this subsection, the Velasco district:

(1) is required to:

(A) develop a maintenance and operation plan for the proposed project; and

(B) biennially submit a report to GLO and the legislature on:

(i) expenditures of state money relating to a project described by this subsection; and

(ii) the extent to which additional appropriations or additional money from any other source is needed for the next biennium; and

(2) is authorized to enter into an agreement for a public-private partnership to fund a local share of or the costs of the operation and maintenance of a project described by this subsection.

(a-1) Requires the initial report described by Subsection (a)(1)(B) of this section to be submitted not later than June 1, 2020, if the Velasco district enters into a project partnership agreement or an agreement with GLO or another state agency under this section before May 1, 2020. Provides that this subsection expires January 1, 2021.

(b) Authorizes the Velasco district, if a project described by Subsection (a) of this section is built in the Velasco district, to accept money from any source to fund the maintenance and operation of the project and to provide local matching funds required by the project partnership agreement with the United States Army Corps of Engineers.

SECTION 4. Effective date: September 1, 2019.