

BILL ANALYSIS

H.B. 1059
By: Lucio III
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There have been calls to improve stormwater infrastructure used in Texas and to periodically assess the benefits stormwater can have on the environment. H.B. 1059 seeks to address this issue by establishing the green stormwater infrastructure and low impact development report group to prepare a biennial report regarding such matters.

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

H.B. 1059 amends the Water Code to require the Texas Commission on Environmental Quality (TCEQ) each state fiscal biennium to appoint a green stormwater infrastructure and low impact development report group to prepare a report on the use of green stormwater infrastructure and low impact development in Texas. The bill provides for the group's composition and appointment and requires TCEQ to appoint the members of the first group in a timely manner to ensure that the group is able to prepare the report by January 1, 2021. The bill defines "green stormwater infrastructure," also known as "low impact development," as systems and practices that:

- use or mimic natural processes that result in the infiltration, evapotranspiration, treatment, or use of stormwater;
- manage stormwater, protect water quality and associated habitat, or augment or replace conventional engineered stormwater systems;
- meet local requirements for post-development stormwater retention and detention and erosion management; and
- are considered best management practices.

H.B. 1059 requires each report to include:

- a list of each county, municipality, and special district with land development authority that allows the use of green stormwater infrastructure and low impact development in land development projects in the county, municipal, or district territory;
- certain specified estimates relating to private and public projects and sites in Texas that use green stormwater infrastructure and low impact development;

- a monetized assessment of the social, economic, and environmental benefits realized by the use of green stormwater infrastructure and low impact development in Texas;
- an assessment of typical impediments to the use of green stormwater infrastructure and low impact development in local development codes;
- an assessment of impediments in state law and policies to the use of green stormwater infrastructure and low impact development; and
- recommendations to encourage increased use and deployment of green stormwater infrastructure and low impact development in Texas.

The bill establishes that the first biennial report prepared by the group is required to include only such information that TCEQ requires to be in the report.

H.B. 1059 requires TCEQ to publicly solicit information to support the preparation of the report and cooperate with the group in providing information or access to information. The bill requires the group to:

- conduct at least one meeting to receive input on the preparation of the report;
- prepare a draft report;
- publish the draft report and solicit comments on the draft report;
- prepare a response-to-comments document and finalize the report; and
- submit the final report, not later than January 1 of the second year of the state fiscal biennium, to each member of TCEQ, the governor, the lieutenant governor, the speaker of the house of representatives, and each member of the legislature.

EFFECTIVE DATE

September 1, 2019.