

By: Puente

H.B. No. 4

A BILL TO BE ENTITLED

AN ACT

relating to water conservation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 1, Water Code, is amended by adding Section 1.004 to read as follows:

Sec. 1.004. FINDINGS REGARDING LAND STEWARDSHIP. (a) The legislature finds that voluntary land stewardship enhances the efficiency and effectiveness of this state's watersheds by helping to increase surface water and groundwater supplies, resulting in a benefit to the natural resources of this state and to the general public.

(b) "Land stewardship," as used in this section, is the voluntary practice of managing land to conserve or enhance suitable landscapes and the ecosystem values of the land. Land stewardship includes land and habitat management, wildlife conservation, and watershed protection. Land stewardship practices include runoff reduction, prescribed burning, managed grazing, brush management, erosion management, reseeding with native plant species, riparian management and restoration, and spring and creek-bank protection, all of which benefit the water resources of this state.

SECTION 2. Subtitle A, Title 2, Water Code, is amended by adding Chapter 10 to read as follows:

CHAPTER 10. WATER CONSERVATION ADVISORY COUNCIL

Sec. 10.001. DEFINITIONS. In this chapter:

1 (1) "Best management practices" has the meaning
2 assigned by Section 11.002.

3 (2) "Board" means the Texas Water Development Board.

4 (3) "Commission" means the Texas Commission on
5 Environmental Quality.

6 (4) "Council" means the Water Conservation Advisory
7 Council.

8 Sec. 10.002. PURPOSE. The council is created to provide the
9 governor, lieutenant governor, speaker of the house of
10 representatives, legislature, board, commission, political
11 subdivisions, and public with the resource of a select council with
12 expertise in water conservation.

13 Sec. 10.003. CREATION AND MEMBERSHIP. (a) The council is
14 composed of 17 members appointed by the board. The board shall
15 appoint one member to represent each of the following entities or
16 interest groups:

17 (1) Texas Commission on Environmental Quality;

18 (2) Department of Agriculture;

19 (3) Parks and Wildlife Department;

20 (4) State Soil and Water Conservation Board;

21 (5) Texas Water Development Board;

22 (6) regional water planning groups;

23 (7) federal agencies;

24 (8) municipalities;

25 (9) groundwater conservation districts;

26 (10) river authorities;

27 (11) environmental groups;

1 (12) irrigation districts;

2 (13) industries;

3 (14) institutional water users;

4 (15) professional organizations focused on water
5 conservation;

6 (16) higher education; and

7 (17) agricultural groups.

8 (b) Each entity or interest group described by Subsection
9 (a) may recommend one or more persons to fill the position on the
10 council held by the member who represents that entity or interest
11 group. If one or more persons are recommended for a position on the
12 council, the board shall appoint one of the persons recommended to
13 fill the position.

14 Sec. 10.004. TERMS. (a) Members of the council serve
15 staggered terms of six years, with five or six members' terms, as
16 applicable, expiring August 31 of each odd-numbered year.

17 (b) The board shall fill a vacancy on the council for the
18 unexpired term by appointing a person who has the same
19 qualifications as required under Section 10.003 for the person who
20 previously held the vacated position.

21 Sec. 10.005. PRESIDING OFFICER. The council members shall
22 select one member as the presiding officer of the council to serve
23 in that capacity until the person's term as a council member
24 expires.

25 Sec. 10.006. COUNCIL STAFF. On request by the council, the
26 board shall provide any necessary staff to assist the council in the
27 performance of its duties.

1 Sec. 10.007. PUBLIC MEETINGS AND PUBLIC INFORMATION. (a)

2 The council may hold public meetings as needed to fulfill its duties
3 under this chapter.

4 (b) The council is subject to Chapters 551 and 552,
5 Government Code.

6 Sec. 10.008. INAPPLICABILITY OF ADVISORY COMMITTEE LAW.

7 Chapter 2110, Government Code, does not apply to the size,
8 composition, or duration of the council.

9 Sec. 10.009. COMPENSATION OF MEMBERS. (a) Members of the

10 council serve without compensation but may be reimbursed by
11 legislative appropriation for actual and necessary expenses
12 related to the performance of council duties.

13 (b) Reimbursement under Subsection (a) is subject to the
14 approval of the presiding officer of the council.

15 Sec. 10.010. POWERS AND DUTIES OF COUNCIL. The council

16 shall:

17 (1) monitor trends in water conservation
18 implementation;

19 (2) monitor new technologies for possible inclusion by
20 the board as best management practices in the best management
21 practices guide developed by the water conservation implementation
22 task force under Chapter 109, Acts of the 78th Legislature, Regular
23 Session, 2003;

24 (3) monitor the effectiveness of the statewide water
25 conservation public awareness program developed under Section
26 16.401 and associated local involvement in implementation of the
27 program;

1 (4) develop and implement a state water management
2 resource library;

3 (5) develop and implement a public recognition program
4 for water conservation;

5 (6) monitor the implementation of water conservation
6 strategies by water users included in regional water plans; and

7 (7) monitor target and goal guidelines for water
8 conservation to be considered by the board and commission.

9 Sec. 10.011. REPORT. Not later than December 1 of each
10 even-numbered year, the council shall submit to the governor,
11 lieutenant governor, and speaker of the house of representatives a
12 report on progress made in water conservation in this state.

13 SECTION 3. Section 11.002, Water Code, is amended by adding
14 Subdivision (15) to read as follows:

15 (15) "Best management practices" means those
16 voluntary efficiency measures developed by the commission and the
17 board that save a quantifiable amount of water, either directly or
18 indirectly, and that can be implemented within a specified time
19 frame.

20 SECTION 4. Subchapter E, Chapter 13, Water Code, is amended
21 by adding Section 13.146 to read as follows:

22 Sec. 13.146. WATER CONSERVATION PLAN. The commission shall
23 require a retail public utility that provides potable water service
24 to a population of 3,300 or more to submit to the executive
25 administrator of the board a water conservation plan based on
26 specific targets and goals developed by the retail public utility
27 and using appropriate best management practices, as defined by

1 Section 11.002, or other water conservation strategies. For
2 purposes of this section, the population served by a retail public
3 utility shall be determined on the basis of the population
4 estimates contained in the most recent regional water plan adopted
5 for the regional water planning area in which the retail public
6 utility's service area is located.

7 SECTION 5. Section 15.102(b), Water Code, is amended to
8 read as follows:

9 (b) The loan fund may also be used by the board to provide:

10 (1) grants or loans for projects that include
11 supplying water and wastewater services in economically distressed
12 areas or nonborder colonias as provided by legislative
13 appropriations, this chapter, and board rules, including projects
14 involving retail distribution of those services; and

15 (2) grants for:

16 (A) projects for which federal grant funds are
17 placed in the loan fund;

18 (B) projects, on specific legislative
19 appropriation for those projects; or

20 (C) water conservation, desalination, brush
21 control, weather modification, regionalization, and projects
22 providing regional water quality enhancement services as defined by
23 board rule, including regional conveyance systems.

24 SECTION 6. Chapter 16, Water Code, is amended by adding
25 Subchapter K to read as follows:

26 SUBCHAPTER K. WATER CONSERVATION

27 Sec. 16.401. STATEWIDE WATER CONSERVATION PUBLIC AWARENESS

1 PROGRAM. (a) The executive administrator shall develop and
2 implement a statewide water conservation public awareness program
3 to educate residents of this state about water conservation. The
4 program shall take into account the differences in water
5 conservation needs of various geographic regions of the state and
6 shall be designed to complement and support existing local and
7 regional water conservation programs.

8 (b) The executive administrator is required to develop and
9 implement the program required by Subsection (a) in a state fiscal
10 biennium only if the legislature appropriates sufficient money in
11 that biennium specifically for that purpose.

12 Sec. 16.402. WATER CONSERVATION PLAN REVIEW. (a) Each
13 entity that is required to submit a water conservation plan to the
14 commission under this code shall submit a copy of the plan to the
15 executive administrator.

16 (b) Each entity that is required to submit a water
17 conservation plan to the executive administrator, board, or
18 commission under this code shall report annually to the executive
19 administrator on the entity's progress in implementing the plan.

20 (c) The executive administrator shall review each water
21 conservation plan and annual report to determine compliance with
22 the minimum requirements and submission deadlines developed under
23 Subsection (e).

24 (d) The board may notify the commission if the board
25 determines that an entity has violated this section or a rule
26 adopted under this section. Notwithstanding Section 7.051(b), a
27 violation of this section or of a rule adopted under this section is

1 enforceable in the manner provided by Chapter 7 for a violation of a
2 provision of this code within the commission's jurisdiction or of a
3 rule adopted by the commission under a provision of this code within
4 the commission's jurisdiction.

5 (e) The board and commission jointly shall adopt rules:

6 (1) identifying the minimum requirements and
7 submission deadlines for the water conservation plans described by
8 Subsection (b) and the annual reports required by that subsection;
9 and

10 (2) providing for the enforcement of this section and
11 rules adopted under this section.

12 SECTION 7. Subchapter Z, Chapter 51, Education Code, is
13 amended by adding Section 51.969 to read as follows:

14 Sec. 51.969. RAINWATER HARVESTING CURRICULUM. The Texas
15 Higher Education Coordinating Board shall encourage each
16 institution of higher education to develop curriculum and provide
17 related instruction on rainwater harvesting technology.

18 SECTION 8. Section 447.004, Government Code, is amended by
19 adding Subsection (c-1) to read as follows:

20 (c-1) The procedural standards adopted under this section
21 must require that rainwater harvesting systems for nonpotable
22 indoor use and landscape watering be incorporated into the design
23 and construction of:

24 (1) each new state building with a roof measuring at
25 least 10,000 square feet; and

26 (2) any other new state building for which the
27 incorporation of such systems is feasible.

1 SECTION 9. Section 341.042, Health and Safety Code, is
2 amended to read as follows:

3 Sec. 341.042. STANDARDS FOR HARVESTED RAINWATER. (a) The
4 commission shall establish recommended standards relating to the
5 domestic use of harvested rainwater, including health and safety
6 standards for treatment and collection methods for harvested
7 rainwater intended for drinking, cooking, or bathing.

8 (b) The commission by rule shall provide that if a structure
9 is connected to a public water supply system and has a rainwater
10 harvesting system for indoor use:

11 (1) the structure must have appropriate
12 cross-connection safeguards; and

13 (2) the rainwater harvesting system may be used only
14 for nonpotable indoor purposes.

15 (c) Standards and rules adopted by the commission under this
16 chapter governing public drinking water supply systems do not apply
17 to a person:

18 (1) who harvests rainwater for domestic use; and

19 (2) whose property is not connected to a public
20 drinking water supply system.

21 SECTION 10. Section 1903.053, Occupations Code, is amended
22 to read as follows:

23 Sec. 1903.053. STANDARDS. (a) The commission shall adopt
24 by rule and enforce standards governing:

25 (1) the connection of irrigation systems to any water
26 supply;

27 (2) the design, installation, and operation of

1 irrigation systems;

2 (3) water conservation; and

3 (4) the duties and responsibilities of licensed
4 irrigators.

5 (b) ~~[The commission may adopt standards for irrigation that~~
6 ~~include water conservation, irrigation system design and~~
7 ~~installation, and compliance with municipal codes.]~~

8 [(c)] The commission may not require or prohibit the use of
9 any irrigation system, component part, or equipment of any
10 particular brand or manufacturer.

11 (c) In adopting standards under this section, the
12 commission shall consult the council.

13 SECTION 11. As soon as practicable on or after the effective
14 date of this Act, the Texas Water Development Board shall appoint
15 the initial members of the Water Conservation Advisory Council, as
16 required by Section 10.003, Water Code, as added by this Act. In
17 making the initial appointments, the board shall designate five
18 members to serve terms expiring August 31, 2009, six members to
19 serve terms expiring August 31, 2011, and six members to serve terms
20 expiring August 31, 2013.

21 SECTION 12. Section 15.102(b), Water Code, as amended by
22 this Act, applies only to an application for financial assistance
23 filed with the Texas Water Development Board on or after the
24 effective date of this Act. An application for financial assistance
25 filed before the effective date of this Act is governed by the law
26 in effect on the date the application was filed, and the former law
27 is continued in effect for that purpose.

1 SECTION 13. Not later than January 1, 2008, the Texas Water
2 Development Board and the Texas Commission on Environmental Quality
3 jointly shall adopt rules as required by Section 16.402(e), Water
4 Code, as added by this Act.

5 SECTION 14. Not later than June 1, 2008, the Texas
6 Commission on Environmental Quality shall adopt standards as
7 required by Section 1903.053, Occupations Code, as amended by this
8 Act, to take effect January 1, 2009.

9 SECTION 15. This Act takes effect immediately if it
10 receives a vote of two-thirds of all the members elected to each
11 house, as provided by Section 39, Article III, Texas Constitution.
12 If this Act does not receive the vote necessary for immediate
13 effect, this Act takes effect September 1, 2007.