

WATER CONSERVATION BILLS  
(80<sup>th</sup> Texas Legislature)

End of Session Update:

[HB 4](#)

**Author:** Puente

**Sponsor:** Averitt

**Last Action:**

*05/30/2007 E Sent to the Governor*

**Caption Version:**

Enrolled

**Caption:**

Relating to water conservation.

Summary:

**Land Stewardship**

The bill adds findings and policy regarding "land stewardship" to the Water Code. The bill defines "land stewardship" and adds language to the *Policy Regarding Waters of the State* section of the Water Code whereby the legislature encourages voluntary water and land stewardship to benefit the water in the state.

**Water Conservation Advisory Council**

The bill establishes a new Water Conservation Advisory Council (Council) composed of 23 members representing 23 individually-listed entities and interests. Council members are appointed by the TWDB to serve six-year terms. The purpose of the Council is to provide state leadership with continuing expertise in water conservation. The Council is specifically required to:

- monitor water conservation implementation trends, new technologies, the effectiveness of the statewide water conservation awareness program, implementation of water conservation strategies in the state water plan, and target and goal guidelines for water conservation to be considered by the TWDB and TCEQ,
- develop and implement a state water management resource library and a public recognition program for water conservation,
- submit (by December 1 of each even-numbered year) a report to the state's leadership on the progress made in water conservation in Texas, and
- conduct a study regarding the desirability of requiring the TWDB to designate certified water conservation facilities, entities, and programs that provide assistance to retail public utilities in developing water conservation plans. The Council is directed to submit a report to state leadership by December 1, 2008.

**Retail Public Utility Water Conservation Plans – New requirements; TWDB review**

The bill requires retail public utilities with 3,300 or more connections to submit a copy of their water conservation plan to the TWDB. The water conservation plan must be based on specific targets and goals developed by the utility and incorporate appropriate best management practices or other water conservation strategies. In addition, affected utilities are required to report annually to the TWDB on their progress in implementing the plan. The TWDB is required to review the water conservation plans and annual reports to determine compliance with TWDB and TCEQ rules (adoption deadline: January 1, 2008) implementing the new statutory requirements.

**Statewide Water Conservation Public Awareness Program**

The bill directs the TWDB to develop and implement a statewide water conservation public awareness program to educate residents of Texas about water conservation. The bill requires that the program take into account the differences in water conservation needs of various geographic regions of the state and be designed to complement and support existing local and regional water conservation programs.

NOTE: It should be noted that the legislature did appropriate funds to support two staff positions at the TWDB to provide oversight and administration of the program but did not appropriate any funds to support the estimated \$9 million needed to implement a statewide program roughly equivalent in scale to TxDOT's *Don't Mess With Texas* anti-litter campaign.

**On-Site Reclaimed Technologies**

There are a number of provisions in the bill related to on-site reclaimed technologies. On-site reclaimed technologies refer to rainwater harvesting, condensate collection, and cooling tower blow down systems or any combination of these systems. The Texas Higher Education Coordinating Board is directed to encourage institutions of higher education to develop curriculum and associated instruction regarding on-site reclaimed system technologies. The bill requires that certain procedural standards adopted by the

State Energy Conservation Office require that on-site reclaimed system technologies intended for non-potable indoor use and/or landscape watering purposes be incorporated into the design and construction of each new state building with a roof area of at least 10,000 square feet and other state buildings where feasible. The bill allows state agencies and institutions of higher education to except certain buildings from these requirements if they determine that compliance is impractical and provide the State Energy Conservation Office with documentation supporting this determination.

#### **Standards for Rainwater Harvesting Systems**

Requires the TCEQ, by rule, to provide that structures connected to public water supply and a rainwater harvesting system can use the rainwater only for non-potable purposes. In addition, the TCEQ is required to make explicit that TCEQ rules regarding drinking water supply do not apply to persons who harvest rainwater for domestic use and whose property is not connected to a public drinking water supply system.

#### **Home-Rule Municipality Water Conservation Ordinance Authority**

The bill allows a home-rule municipality to adopt and enforce water conservation ordinances that affect customers within the municipality and customers of the municipally-owned water and sewer utility who are served in the municipality's extraterritorial jurisdiction.

#### **Landscape Irrigation Standards**

The bill directs the TCEQ, in consultation with the Irrigator Advisory Council, to develop and adopt rules to establish and enforce standards governing landscape irrigation systems and the duties and responsibilities of licensed irrigators.

#### **Water Loan Assistance Fund**

The bill adds water conservation projects to the existing list of projects that are eligible for grants under the Water Loan Assistance Fund program administered by the TWDB.

---

[HB 1656](#)

**Author:** Puente

**Sponsor:** Averitt

**Last Action:**

*05/28/2007 E Sent to the Governor*

**Caption Version:**

Enrolled

**Caption:**

Relating to regulation of irrigation systems and irrigators.

Summary:

#### **Irrigation System – License Requirements**

The bill requires that a person must hold a license issued by the TCEQ in order to perform inspections of an irrigation system for a municipality or water district.

#### **Water District Regulation of Irrigation Systems**

The bill allows water districts (created under Articles 52 or 59 of the Texas Constitution) to adopt and enforce rules for regulating irrigation system installers and the installation and operation of irrigation systems. Districts are allowed to engage the professional services of specified persons to enforce the irrigation system rules and to charge an installer a fee to cover costs of obtaining or renewing an irrigation system installation permit. The bill makes clear that the authority granted to water districts does not apply to certain on-site sewage disposal systems, agricultural irrigation systems or irrigation systems connected to a groundwater well used for domestic purposes.

#### **Municipal Regulation of Irrigation Systems**

The bill requires a municipality with a population of 20,000 or more, by ordinance, to require an installer of irrigation systems to hold a license (issued by the TCEQ) and to obtain a permit before installing an irrigation system within the territorial limits or extraterritorial jurisdiction of the municipality. The municipality may charge an installer a fee to cover the costs of obtaining or renewing a permit. A municipality may also employ or contract with a licensed plumbing inspector or a licensed irrigation inspector to enforce the ordinance. The bill makes clear that the authority granted to municipalities does not apply to certain on-site sewage disposal systems, agricultural irrigation systems or irrigation systems connected to a groundwater well used for domestic purposes.

---

[HB 3693](#)

**Author:** Straus | et al.

**Sponsor:** Fraser

**Last Action:** *05/30/2007 E Sent to the Governor*

**Caption Version:** Enrolled

**Caption:** Relating to energy demand, energy load, energy efficiency incentives, energy programs, and energy performance measures.

Summary:

HB 3693 is a comprehensive energy efficiency bill that enhances state programs and promotes enhanced customer demand management. The water-related provision of interest in this bill reads as follows:

Sec. 2264.001. RECORDING AND REPORTING OF ELECTRICITY, WATER, AND NATURAL GAS CONSUMPTION. (a) In this section, "governmental entity" means:

- (1) a board, commission, or department of the state or a political subdivision of the state, including a municipality, a county, or any kind of district; or
- (2) an institution of higher education as defined by Section 61.003, Education Code.

(b) Notwithstanding any other law, a governmental entity responsible for payments for electric, water, or natural gas utility services shall record in an electronic repository the governmental entity's metered amount of electricity, water, or natural gas consumed for which it is responsible to pay and the aggregate costs for those utility services. The governmental entity shall report the recorded information on a publicly accessible Internet website with an interface designed for ease of navigation if available, or at another publicly accessible location.

---

[SB 3](#)

**Author:** Averitt

**Sponsor:** Puente

**Last Action:** *05/30/07 E Sent to the Governor*

**Caption Version:** Enrolled

**Caption:** Relating to the development, management, and preservation of the water resources of the state; providing penalties.

Summary:

Article 2 of SB 3, the session's omnibus water bill, contains water conservation-related provisions that are identical or substantively similar to the water conservation-related provisions in HB 4. Water conservation-related provisions in SB 3 that have no corresponding provision in HB 4 include:

**Colonia Self-Help Program Fund – (Administered by the TWDB)**

Priority shall be given to applicants that have demonstrated or can demonstrate significant water conservation savings.

**State Participation Fund – (Administered by the TWDB)**

Priority shall be given to applicants that have demonstrated or can demonstrate significant water conservation savings.

**Texas Water Development Fund – (Administered by the TWDB)**

Priority shall be given to applicants that have demonstrated or can demonstrate significant water conservation savings.

**Sustainable Water Supply Research Center – UT-Arlington**

Authorizes establishment of the Center at UT-Arlington. If established, the center shall (in part):

- (1) conduct, sponsor, or direct multidisciplinary research directed toward: (A) promoting water conservation through development of a sustainable water supply for this state,
  - (2) conduct a comprehensive interdisciplinary instructional program in water conservation with emphasis on development of a sustainable water supply at the graduate level and offer undergraduate courses for students interested in water conservation and sustainable water supply development.
-