

BILL ANALYSIS

H.B. 1152
By: Puente
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Population and water demand projections in the 2002 State Water Plan indicate that 43 percent of the demand for drinking water in 2050 will not be met during a drought of record with current supplies. Conservation of water use is an important strategy in meeting the state's future water needs, including reducing customer water demand.

Water supply districts and municipalities, as governmental entities, have the power to enact mandatory customer water use practices such as lawn watering rotations and prohibition of wasteful water use practices. For example, a water supply district or municipality can prohibit the practice of watering lawns to the point the water runs off the property and down the street. However, nonprofit water supply corporations do not have this authority.

H.B. 1152 amends the Texas Water Code to provide nonprofit water supply corporations the statutory authority to enforce reasonable customer water conservation practices and to prohibit wasteful or excessive water use by allowing the assessment of reasonable penalties. These penalties could be reviewed by the Texas Commission on Environmental Quality (TCEQ) to ensure that they are reasonable.

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

SECTION 1. Subsection (a) provides that nonprofit water supply corporations may establish and enforce reasonable customer water conservation practices and may prohibit excessive or wasteful water use.

Subsection (b) provides that these practices and prohibitions may be enforced through the assessment of penalties as provided in the corporation's tariff. The penalties may be reviewed if the customer appeals to the TCEQ, but the agency must uphold the penalty if the penalty is clearly stated in the corporation's tariff; the penalty is reasonable; and provided the corporation shows that when the penalty is collected it is deposited in an account dedicated to improving water supply for all customers of the corporation. Procedures provided in current Section 13.043(g), Texas Water Code, would apply in an appeal.

EFFECTIVE DATE

On passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.