

BILL ANALYSIS

H.B. 1226
By: Puente
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 78th Texas Legislature created the Water Conservation Implementation Task Force via enactment of Senate Bill 1094. In September 2004 the task force members unanimously approved the final Report to the Legislature and the final Best Management Practices Guide, which were submitted to the 79th Texas Legislature in November 2004. The report consists of a review and evaluation of optimal levels of water-use efficiency and conservation for the state and recommendations resulting from this review and evaluation.

The task force recommended the state implement a statewide public education campaign to promote water awareness and efficiency, with the goal of reducing statewide per capita water use by one percent annually. This savings would provide enough water for more than 780,000 Texans' indoor water use. Task Force members raised private funds to conduct a statewide quantitative phone survey on water conservation, which revealed that: 98 percent of Texas residents think water conservation is important; 87 percent of Texans support the idea of a water conservation campaign similar to "Don't Mess with Texas"; 87 percent say they are more likely to conserve water after learning more about why it is important and ways to be more efficient; 71 percent believe statewide funding should be provided to implement water conservation strategies, and 54 percent feel their state government should be doing more to promote water conservation.

To address Texans' need for more water knowledge, the Texas Water Development Board (TWDB) also unveiled in January 2005 a campaign name for future public education efforts. The brand, "Water IQ: Know Your Water." or "Water IQ: Conozca a Tu Agua.," was developed as a compelling way to challenge residents to increase their knowledge of water resources and awareness of the need to be more efficient with their water use.

HB 1226 requires the TWDB to implement a statewide water conservation public awareness program to educate Texas residents about water conservation. The bill also creates a 17-member Water Conservation Advisory Council to monitor the development and implementation water conservation strategies, to monitor the effectiveness of the statewide public awareness campaign and other duties. The bill also requires retail public water utilities serving populations of 3,300 or more to submit water conservation plans to the Texas Commission on Environmental Quality (TCEQ) and TWDB. The agencies are required to review the plans and report on compliance by the water utilities.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality and the Texas Water Development Board in SECTION 6 (Section 16.402, Water Code) of this bill.

ANALYSIS

SECTION 1. Amends Subtitle A, Title 2, Water Code, by adding new Chapter 10, entitled Water Conservation Advisory Council.

Sec. 10.001. Defines "best management practices (BMPs)", "Board", "Commission" and "Council".

Sec. 10.002. States purpose of Council is to provide water conservation expertise to the governor, lieutenant governor, speaker, legislature, TWDB, TCEQ, political subdivisions and the public.

Sec. 10.003. (a) 17-member council created by TWDB with one member representing: (1) TCEQ, (2) Dept. of Agriculture (TDA), (3) Parks and Wildlife Dept. (TPWD), (4) State Soil and Water Conservation Board (SSWCB), (5) Water Development Board (TWDB), (6) regional water planning groups (RWPG), (7) federal agencies, (8) municipalities, (9) groundwater conservation districts (GCDs), (10) river authorities, (11) environmental groups, (12) irrigation districts, (13) industries, (14) institutional water users, (15) professional organizations focused on water conservation, (16) higher education and (17) agricultural groups.
(b) Each of the 17 entities may recommend someone to represent their interests. If more than one person is recommended, TWDB decides who receives the appointment to the council.

Sec. 10.004. (a) Council members served staggered six-year terms. As applicable, terms expire Aug. 31 of each odd-numbered year.
(b) TWDB is required to fill un-expired terms on the council with someone with the same qualifications as the vacating member.

Sec. 10.005. A presiding officer is selected by the council from its membership.

Sec. 10.006. The council can request staffing assistance from TWDB.

Sec. 10.007. (a) Allows the council to hold public meetings.
(b) The council is subject to the Open Meetings Law and the Public Information Act.

Sec. 10.008. The council is exempt from Ch. 2110 Gov't Code, which governs the size, composition and duration of state agency advisory committees.

Sec. 10.009. (a) Council members receive no compensation, but may be reimbursed by legislative appropriations for actual and necessary council-related expenses.
(b) Reimbursement is subject to approval of the presiding officer.

Sec. 10.010. Requires the council to:
(1) monitor water conservation trends;
(2) monitor new technologies that could be added to TWDB's BMP Guide;
(3) monitor the effectiveness of the statewide water conservation public awareness program;
(4) develop and implement a state water management resource library;
(5) develop and implement a public recognition program for water conservation;
(6) monitor the implementation of water conservation strategies by water users;
(7) monitor water conservation targets and goals to be considered by TWDB and TCEQ.

Sec.10.011. Requires the council to submit a water conservation progress report to the governor, lieutenant governor, and speaker by Dec. 1 of every even-numbered year.

SECTION 2. Amends Sec. 11.002, Water Code, by adding subdivision (15) which defines "best management practices" (BMPs) for water conservation.

SECTION 3. Amends Subchapter E, Chapter 13, Water Code, by adding Sec. 13.146, which requires TCEQ to require a retail public water utility serving a population of 3,300 or more to submit water conservation plans based on specific targets and goals and using appropriate BMPs.

SECTION 4. Amends Sec. 15.102 (b), Water Code, by making "water conservation" eligible for grants from the Water Assistance Fund.

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SECTION 5. Amends Sec. 16.053, Water Code, by requiring TWDB to develop and implement a regional water conservation assistance program with a regional coordinator for each RWPG.

SECTION 6. Amends Chapter 16, Water Code, by adding Subchapter K.
Sec. 16.401. Requires TWDB's Executive Administrator to develop and implement a statewide water conservation public awareness program taking into account differences in water conservation needs in various geographic regions of the state and also complement and support existing local and regional conservation programs.

Sec. 16.402. (a) Requires water conservation plans to be submitted to TWDB as well as TCEQ.
(b) Requires annual progress reports from submitting entities to the TWDB and TCEQ.
(c) Requires TWDB's Executive Administrator to review each plan and annual report to determine compliance with minimum requirements and deadlines.
(d) Authorized TWDB to notify TCEQ if a submitting entity violates this section or a related rule. Makes violations subject to Chapter 7, Water Code.
(e) Requires TWDB and TCEQ to jointly adopt rules:
(1) identifying minimum requirements and submission deadlines for water conservation plans;
(2) providing for enforcement of this section and related rules.

SECTION 7. Amends Sec. 17.125, Water Code, by adding Subsection (b-2), which requires TWDB to give priority to applications for financial assistance for water supply projects identified in the state water plan if the applicant has demonstrated or will achieve significant conservation savings.

SECTION 8. Requires TWDB as soon as practicable after the effective date of the Act to appoint members to the advisory council. Five of the 17 members initial terms will expire Aug. 31, 2007, six initial terms will expire Aug. 31, 2009, and six initial terms will expire August 31, 2011.

SECTION 9. (a) Makes Secs. 15.102, and 17.125, Water Code, applicable to applications for financial assistance filed with TWDB on or after the effective date.
(b) Requires joint rules by TWDB and TCEQ as required in 16.402 (e), Water Code, to be adopted by not later than Jan. 1, 2006.

SECTION 10. Effective date. Immediate if passed by a two-thirds vote in each chamber.
Otherwise effective Sept. 1, 2005.

EFFECTIVE DATE

Immediate if passed by a two-thirds vote in each chamber; otherwise effective Sept. 1, 2005.