

By: Puente

H.B. No. 1226

A BILL TO BE ENTITLED

AN ACT

relating to water conservation.

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

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

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

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

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

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

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

(1) Texas Commission on Environmental Quality;

- 1 (2) Department of Agriculture;
- 2 (3) Parks and Wildlife Department;
- 3 (4) State Soil and Water Conservation Board;
- 4 (5) Texas Water Development Board;
- 5 (6) regional water planning groups;
- 6 (7) federal agencies;
- 7 (8) municipalities;
- 8 (9) groundwater conservation districts;
- 9 (10) river authorities;
- 10 (11) environmental groups;
- 11 (12) irrigation districts;
- 12 (13) industries;
- 13 (14) institutional water users;
- 14 (15) professional organizations focused on water
15 conservation;
- 16 (16) higher education; and
- 17 (17) agricultural groups.

18 (b) Each entity or interest group described by Subsection
19 (a) may recommend one or more persons to fill the position on the
20 council held by the member who represents that entity or interest
21 group. If one or more persons are recommended for a position on the
22 council, the board shall appoint one of the persons recommended to
23 fill the position.

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

27 (b) The board shall fill a vacancy on the council for the

1 unexpired term by appointing a person who has the same
2 qualifications as required under Section 10.003 for the person who
3 previously held the vacated position.

4 Sec. 10.005. PRESIDING OFFICER. The council members shall
5 select one member as the presiding officer of the council to serve
6 in that capacity until the person's term as a council member
7 expires.

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

11 Sec. 10.007. PUBLIC MEETINGS AND PUBLIC INFORMATION. (a)
12 The council may hold public meetings as needed to fulfill its duties
13 under this chapter.

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

16 Sec. 10.008. INAPPLICABILITY OF ADVISORY COMMITTEE LAW.
17 Chapter 2110, Government Code, does not apply to the size,
18 composition, or duration of the council.

19 Sec. 10.009. COMPENSATION OF MEMBERS. (a) Members of the
20 council serve without compensation but may be reimbursed by
21 legislative appropriation for actual and necessary expenses
22 related to the performance of council duties.

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

25 Sec. 10.010. POWERS AND DUTIES OF COUNCIL. The council
26 shall:

27 (1) monitor trends in water conservation

1 implementation;

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

7 (3) monitor the effectiveness of the statewide water
8 conservation public awareness program developed under Section
9 16.401 and associated local involvement in implementation of the
10 program;

11 (4) develop and implement a state water management
12 resource library;

13 (5) develop and implement a public recognition program
14 for water conservation;

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

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

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

23 SECTION 2. Section 11.002, Water Code, is amended by adding
24 Subdivision (15) to read as follows:

25 (15) "Best management practices" means those
26 voluntary efficiency measures developed by the commission and the
27 board that save a quantifiable amount of water, either directly or

1 indirectly, and that can be implemented within a specified time
2 frame.

3 SECTION 3. Subchapter E, Chapter 13, Water Code, is amended
4 by adding Section 13.146 to read as follows:

5 Sec. 13.146. WATER CONSERVATION PLAN. The commission shall
6 require a retail public utility that provides potable water service
7 to a population of 3,300 or more to submit to the executive
8 administrator of the board a water conservation plan based on
9 specific targets and goals developed by the retail public utility
10 and using appropriate best management practices, as defined by
11 Section 11.002, or other water conservation strategies. For
12 purposes of this section, the population served by a retail public
13 utility shall be determined on the basis of the population
14 estimates contained in the most recent regional water plan adopted
15 for the regional water planning area in which the retail public
16 utility's service area is located.

17 SECTION 4. Section 15.102(b), Water Code, is amended to
18 read as follows:

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

20 (1) grants or loans for projects that include
21 supplying water and wastewater services in economically distressed
22 areas or nonborder colonias as provided by legislative
23 appropriations, this chapter, and board rules, including projects
24 involving retail distribution of those services; and

25 (2) grants for:

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

1 (B) projects, on specific legislative
2 appropriation for those projects; or

3 (C) water conservation, desalination, brush
4 control, weather modification, regionalization, and projects
5 providing regional water quality enhancement services as defined by
6 board rule, including regional conveyance systems.

7 SECTION 5. Section 16.053(g), Water Code, is amended to
8 read as follows:

9 (g) The board shall provide technical and financial
10 assistance to the regional water planning groups in the development
11 of their plans. The board shall simplify, as much as possible,
12 planning requirements in regions with abundant water resources.
13 The board, if requested, may facilitate resolution of conflicts
14 within regions. The board shall develop and implement a regional
15 water conservation assistance program consisting of regional
16 conservation coordinators located in each regional water planning
17 area of the state to enhance and facilitate water conservation
18 efforts in each of those areas. A regional conservation
19 coordinator located in a regional water planning area may assist a
20 coordinator located in another area.

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

23 SUBCHAPTER K. WATER CONSERVATION

24 Sec. 16.401. STATEWIDE WATER CONSERVATION PUBLIC AWARENESS
25 PROGRAM. The executive administrator shall develop and implement a
26 statewide water conservation public awareness program to educate
27 residents of this state about water conservation. The program

1 shall take into account the differences in water conservation needs
2 of various geographic regions of the state and shall be designed to
3 complement and support existing local and regional water
4 conservation programs.

5 Sec. 16.402. WATER CONSERVATION PLAN REVIEW. (a) Each
6 entity that is required to submit a water conservation plan to the
7 commission under this code shall submit a copy of the plan to the
8 executive administrator.

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

13 (c) The executive administrator shall review each water
14 conservation plan and annual report to determine compliance with
15 the minimum requirements and submission deadlines developed under
16 Subsection (e).

17 (d) The board may notify the commission if the board
18 determines that an entity has violated this section or a rule
19 adopted under this section. Notwithstanding Section 7.051(b), a
20 violation of this section or of a rule adopted under this section is
21 enforceable in the manner provided by Chapter 7 for a violation of a
22 provision of this code within the commission's jurisdiction or of a
23 rule adopted by the commission under a provision of this code within
24 the commission's jurisdiction.

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

26 (1) identifying the minimum requirements and
27 submission deadlines for the water conservation plans described by

1 Subsection (b) and the annual reports required by that subsection;
2 and

3 (2) providing for the enforcement of this section and
4 rules adopted under this section.

5 SECTION 7. Section 17.125, Water Code, is amended by adding
6 Subsection (b-2) to read as follows:

7 (b-2) The board shall give priority to applications for
8 funds for implementation of water supply projects in the state
9 water plan by entities that:

10 (1) have already demonstrated significant water
11 conservation savings; or

12 (2) will achieve significant water conservation
13 savings by implementing the proposed project for which the
14 financial assistance is sought.

15 SECTION 8. As soon as practicable on or after the effective
16 date of this Act, the Texas Water Development Board shall appoint
17 the initial members of the Water Conservation Advisory Council, as
18 required by Section 10.003, Water Code, as added by this Act. In
19 making the initial appointments, the board shall designate five
20 members to serve terms expiring August 31, 2007, six members to
21 serve terms expiring August 31, 2009, and six members to serve terms
22 expiring August 31, 2011.

23 SECTION 9. (a) Sections 15.102 and 17.125, Water Code, as
24 amended by this Act, apply only to an application for financial
25 assistance filed with the Texas Water Development Board on or after
26 the effective date of this Act. An application for financial
27 assistance filed before the effective date of this Act is governed

1 by the law in effect on the date the application was filed, and the
2 former law is continued in effect for that purpose.

3 (b) Not later than January 1, 2006, the Texas Water
4 Development Board and the Texas Commission on Environmental Quality
5 jointly shall adopt rules as required by Section 16.402(e), Water
6 Code, as added by this Act.

7 SECTION 10. This Act takes effect immediately if it
8 receives a vote of two-thirds of all the members elected to each
9 house, as provided by Section 39, Article III, Texas Constitution.
10 If this Act does not receive the vote necessary for immediate
11 effect, this Act takes effect September 1, 2005.