

By: Rose

H.B. No. 4299

Substitute the following for H.B. No. 4299:

By: Callegari

C.S.H.B. No. 4299

A BILL TO BE ENTITLED

AN ACT

relating to rainwater harvesting and other water conservation initiatives.

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

SECTION 1. Subchapter A, Chapter 59, Finance Code, is amended by adding Section 59.012 to read as follows:

Sec. 59.012. LOANS FOR DEVELOPMENTS THAT USE HARVESTED RAINWATER. Financial institutions may consider making loans for developments that will use harvested rainwater as the sole source of water supply.

SECTION 2. Section 447.004, Government Code, is amended by amending Subsection (c-1) and adding Subsection (c-3) to read as follows:

(c-1) The procedural standards adopted under this section must require that:

(1) on-site reclaimed system technologies, including rainwater harvesting, condensate collection, or cooling tower blow down, or a combination of those system technologies, for nonpotable indoor use and landscape watering be incorporated into the design and construction of:

(A) [~~1~~] each new state building with a roof measuring at least 10,000 square feet; and

(B) [~~2~~] any other new state building for which the incorporation of such systems is feasible;

1           (2) rainwater harvesting system technology for  
2 nonpotable indoor use and landscape watering be incorporated into  
3 the design and construction of each new state building with a roof  
4 measuring at least 10,000 square feet that is located in an area of  
5 this state in which the average annual rainfall is at least 20  
6 inches; and

7           (3) at least 25 percent of the roof area of a building  
8 described by Subdivision (2) be used for rainwater collection.

9           (c-3) The procedural standards required by Subsections  
10 (c-1)(2) and (3) apply to a building described by Subsection  
11 (c-1)(2) unless Subsection (c-2) applies or the state agency or  
12 institution of higher education constructing the building provides  
13 the state energy conservation office evidence that the amount of  
14 rainwater that will be harvested from one or more existing  
15 buildings at the same location is equivalent to the amount of  
16 rainwater that could have been harvested from the new building had  
17 rainwater harvesting system technology been incorporated into its  
18 design and construction.

19           SECTION 3. Section 341.042(b), Health and Safety Code, is  
20 amended to read as follows:

21           (b) The commission by rule shall provide that if a structure  
22 is connected to a public water supply system and has a rainwater  
23 harvesting system, ~~[for indoor use:~~

24           ~~[(1)]~~ the structure must have appropriate  
25 cross-connection safeguards ~~[, and~~

26           ~~[(2) the rainwater harvesting system may be used only~~  
27 ~~for nonpotable indoor purposes].~~

1 SECTION 4. Chapter 580, Local Government Code, is amended  
2 by adding Section 580.004 to read as follows:

3 Sec. 580.004. RAINWATER HARVESTING. (a) Each municipality  
4 and county is encouraged to promote rainwater harvesting at  
5 residential, commercial, and industrial facilities through  
6 incentives such as the provision at a discount of rain barrels or  
7 rebates for water storage facilities.

8 (b) Each municipality or county that has adopted impervious  
9 cover or density restrictions shall consider the use in a  
10 development of harvested rainwater as an on-site water supply  
11 source in determining whether to grant the development a credit  
12 against or exemption from the restrictions.

13 (c) The Texas Water Development Board shall ensure that  
14 training on rainwater harvesting is available for the members of  
15 the permitting staffs of municipalities and counties at least  
16 quarterly. Each member of the permitting staff of each county and  
17 municipality located wholly or partly in an area designated by the  
18 Texas Commission on Environmental Quality as a priority groundwater  
19 management area under Section 35.008, Water Code, and each member  
20 of the permitting staff of each county and municipality with a  
21 population of more than 100,000 must receive the training at least  
22 once every five years. Members of the permitting staffs of counties  
23 and municipalities not located wholly or partly in an area  
24 designated by the Texas Commission on Environmental Quality as a  
25 priority groundwater management area under Section 35.008, Water  
26 Code, and members of the permitting staffs of counties and  
27 municipalities with a population of 100,000 or less are encouraged

1 to receive the training. The Texas Water Development Board may  
2 provide the training by seminars or by videotape or functionally  
3 similar and widely available media without cost.

4 (d) A municipality or county may not deny a building permit  
5 solely because the facility will implement rainwater harvesting.

6 (e) Each school district is encouraged to implement  
7 rainwater harvesting at facilities of the district.

8 SECTION 5. Section 202.007(d), Property Code, is amended to  
9 read as follows:

10 (d) This section does not:

11 (1) restrict a property owners' association from  
12 regulating the requirements, including size, type, shielding, and  
13 materials, for or the location of a composting device~~[, rain~~  
14 ~~barrel, rain harvesting device, or any other appurtenance]~~ if the  
15 restriction does not prohibit the economic installation of the  
16 device ~~[or appurtenance]~~ on the property owner's property where  
17 there is reasonably sufficient area to install the device ~~[or~~  
18 ~~appurtenance]~~;

19 (2) require a property owners' association to permit a  
20 device ~~[or appurtenance]~~ described by Subdivision (1) to be  
21 installed in or on property:

22 (A) owned by the property owners' association;

23 (B) owned in common by the members of the  
24 property owners' association; or

25 (C) in an area other than the fenced yard or patio  
26 of a property owner;

27 (3) prohibit a property owners' association from

1 regulating the installation of efficient irrigation systems,  
2 including establishing visibility limitations for aesthetic  
3 purposes;

4 (4) prohibit a property owners' association from  
5 regulating the installation or use of gravel, rocks, or cacti; ~~or~~

6 (5) restrict a property owners' association from  
7 regulating yard and landscape maintenance if the restrictions or  
8 requirements do not restrict or prohibit turf or landscaping design  
9 that promotes water conservation; or

10 (6) require a property owners' association to permit a  
11 rain barrel or rainwater harvesting system to be installed in or on  
12 property if:

13 (A) the property is:

14 (i) owned by the property owners'  
15 association;

16 (ii) owned in common by the members of the  
17 property owners' association; or

18 (iii) located between the front of the  
19 property owner's home and the adjacent street; or

20 (B) the barrel or system:

21 (i) is of a color other than:

22 (a) the original manufacturer's  
23 color; or

24 (b) a color consistent with the color  
25 scheme of the property owner's home; or

26 (ii) displays any language or other content  
27 that is not typically displayed by such a barrel or system as it is

1 manufactured.

2 SECTION 6. Section 1.003, Water Code, is amended to read as  
3 follows:

4 Sec. 1.003. PUBLIC POLICY. It is the public policy of the  
5 state to provide for the conservation and development of the  
6 state's natural resources, including:

7 (1) the control, storage, preservation, and  
8 distribution of the state's storm and floodwaters and the waters of  
9 its rivers and streams for irrigation, power, and other useful  
10 purposes;

11 (2) the reclamation and irrigation of the state's  
12 arid, semiarid, and other land needing irrigation;

13 (3) the reclamation and drainage of the state's  
14 overflowed land and other land needing drainage;

15 (4) the conservation and development of its forest,  
16 water, and hydroelectric power;

17 (5) the navigation of the state's inland and coastal  
18 waters;

19 (6) the maintenance of a proper ecological environment  
20 of the bays and estuaries of Texas and the health of related living  
21 marine resources; ~~and~~

22 (7) the voluntary stewardship of public and private  
23 lands to benefit waters of the state; and

24 (8) the promotion of rainwater harvesting for potable  
25 and nonpotable purposes at public and private facilities in this  
26 state, including residential, commercial, and industrial  
27 buildings.

1           SECTION 7. If the 81st Legislature makes an appropriation  
2 to the Texas Water Development Board to provide matching grants to  
3 political subdivisions of this state for rainwater harvesting  
4 demonstration projects, the board shall, not later than December 1,  
5 2010, provide a report to the lieutenant governor and the speaker of  
6 the house of representatives regarding the projects for which the  
7 board has provided grants, including:

- 8                   (1) a description of each project; and  
9                   (2) the amount of the grant provided for each project.

10           SECTION 8. This Act takes effect September 1, 2009.