

By: Rose

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. Section 447.004, Government Code, is amended by amending Subsection (c-1) and adding Subsections (c-3) and (g) 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;

(2) rainwater harvesting system technology for nonpotable indoor use and landscape watering be incorporated into the design and construction of each new state building with a roof measuring at least 10,000 square feet that is located in an area of this state in which the average annual rainfall is at least 28 inches; and

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

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

13 (g) The Texas Facilities Commission shall ensure that a
14 state agency or institution of higher education constructing a
15 building that is subject to the procedural standards required by
16 Subsection (c-1) complies with the standards.

17 SECTION 2. Chapter 430, Local Government Code, is amended
18 by adding Section 430.004 to read as follows:

19 Sec. 430.004. RAINWATER HARVESTING. (a) Each municipality
20 and county is encouraged to promote rainwater harvesting at
21 residential, commercial, and industrial facilities through
22 incentives such as the provision at a discount of rain barrels or
23 rebates for water storage tanks.

24 (b) Each municipality or county that has adopted impervious
25 cover or density restrictions shall consider the use in a
26 development of harvested rainwater as an on-site water supply
27 source in determining whether to grant the development a credit

1 against or exemption from the restrictions.

2 (c) The Texas Water Development Board shall hold a training
3 seminar on rainwater harvesting for the members of the permitting
4 staffs of municipalities and counties at least quarterly. Each
5 member of the permitting staff of each county and municipality
6 located wholly or partly in an area designated by the Texas
7 Commission on Environmental Quality as a priority groundwater
8 management area under Section 35.008, Water Code, and each member
9 of the permitting staff of each county and municipality with a
10 population of more than 100,000 must attend the seminar at least
11 once. Members of the permitting staffs of counties and
12 municipalities not located wholly or partly in an area designated
13 by the Texas Commission on Environmental Quality as a priority
14 groundwater management area under Section 35.008, Water Code, and
15 members of the permitting staffs of counties and municipalities
16 with a population of 100,000 or less are encouraged to attend the
17 seminar.

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

20 SECTION 3. Section 202.007(d), Property Code, is amended to
21 read as follows:

22 (d) This section does not:

23 (1) restrict a property owners' association from
24 regulating the requirements, including size, type, shielding, and
25 materials, for or the location of a composting device[~~, rain~~
26 ~~barrel, rain harvesting device, or any other appurtenance]~~ if the
27 restriction does not prohibit the economic installation of the

1 device [~~or appurtenance~~] on the property owner's property where
2 there is reasonably sufficient area to install the device [~~or~~
3 ~~appurtenance~~];

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

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

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

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

12 (3) prohibit a property owners' association from
13 regulating the installation of efficient irrigation systems,
14 including establishing visibility limitations for aesthetic
15 purposes;

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

18 (5) restrict a property owners' association from
19 regulating yard and landscape maintenance if the restrictions or
20 requirements do not restrict or prohibit turf or landscaping design
21 that promotes water conservation.

22 SECTION 4. Section 1.003, Water Code, is amended to read as
23 follows:

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

27 (1) the control, storage, preservation, and

1 distribution of the state's storm and floodwaters and the waters of
2 its rivers and streams for irrigation, power, and other useful
3 purposes;

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

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

8 (4) the conservation and development of its forest,
9 water, and hydroelectric power;

10 (5) the navigation of the state's inland and coastal
11 waters;

12 (6) the maintenance of a proper ecological environment
13 of the bays and estuaries of Texas and the health of related living
14 marine resources; ~~and~~

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

17 (8) the promotion of rainwater harvesting at public
18 and private facilities in this state, including residential,
19 commercial, and industrial buildings.

20 SECTION 5. If the 81st Legislature makes an appropriation
21 to the Texas Water Development Board to provide matching grants to
22 political subdivisions of this state for rainwater harvesting
23 demonstration projects, the board shall, not later than December 1,
24 2010, provide a report to the lieutenant governor and the speaker of
25 the house of representatives regarding the projects for which the
26 board has provided grants, including:

27 (1) a description of each project; and

1 (2) the amount of the grant provided for each project.

2 SECTION 6. Section 11.32, Tax Code, as amended by this Act,
3 applies only to ad valorem taxes imposed for a tax year beginning on
4 or after January 1, 2010.

5 SECTION 7. (a) Except as provided by Subsection (b) of this
6 section, this Act takes effect September 1, 2009.

7 (b) Section 4 of this Act takes effect January 1, 2010, but
8 only if the constitutional amendment to authorize the legislature
9 by general law to exempt from ad valorem taxes the portion of the
10 assessed value of property attributable to the implementation on
11 the property of a water conservation initiative, desalination
12 project, or brush control initiative is approved by the voters. If
13 that amendment is not approved by the voters, Section 4 of this Act
14 has no effect.