

By: Laubenberg, Creighton

H.B. No. 1319

Substitute the following for H.B. No. 1319:

By: King of Zavala

C.S.H.B. No. 1319

A BILL TO BE ENTITLED

AN ACT

relating to the calculation and reporting of water usage by municipalities and water utilities.

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

SECTION 1. Section 16.053(e), Water Code, is amended to read as follows:

(e) Each regional water planning group shall submit to the development board a regional water plan that:

(1) is consistent with the guidance principles for the state water plan adopted by the development board under Section 16.051(d);

(2) provides information based on data provided or approved by the development board in a format consistent with the guidelines provided by the development board under Subsection (d);

(3) identifies:

(A) each source of water supply in the regional water planning area, including information supplied by the executive administrator on the amount of managed available groundwater in accordance with the guidelines provided by the development board under Subsections (d) and (f);

(B) factors specific to each source of water supply to be considered in determining whether to initiate a drought response;

(C) actions to be taken as part of the response;

1 and

2 (D) existing major water infrastructure  
3 facilities that may be used for interconnections in the event of an  
4 emergency shortage of water;

5 (4) has specific provisions for water management  
6 strategies to be used during a drought of record;

7 (5) includes but is not limited to consideration of  
8 the following:

9 (A) any existing water or drought planning  
10 efforts addressing all or a portion of the region;

11 (B) approved groundwater conservation district  
12 management plans and other plans submitted under Section 16.054;

13 (C) all potentially feasible water management  
14 strategies, including but not limited to improved conservation,  
15 reuse, and management of existing water supplies, conjunctive use,  
16 acquisition of available existing water supplies, and development  
17 of new water supplies;

18 (D) protection of existing water rights in the  
19 region;

20 (E) opportunities for and the benefits of  
21 developing regional water supply facilities or providing regional  
22 management of water supply facilities;

23 (F) appropriate provision for environmental  
24 water needs and for the effect of upstream development on the bays,  
25 estuaries, and arms of the Gulf of Mexico and the effect of plans on  
26 navigation;

27 (G) provisions in Section 11.085(k)(1) if

1 interbasin transfers are contemplated;

2 (H) voluntary transfer of water within the region  
3 using, but not limited to, regional water banks, sales, leases,  
4 options, subordination agreements, and financing agreements; and

5 (I) emergency transfer of water under Section  
6 11.139, including information on the part of each permit, certified  
7 filing, or certificate of adjudication for nonmunicipal use in the  
8 region that may be transferred without causing unreasonable damage  
9 to the property of the nonmunicipal water rights holder;

10 (6) identifies river and stream segments of unique  
11 ecological value and sites of unique value for the construction of  
12 reservoirs that the regional water planning group recommends for  
13 protection under Section 16.051;

14 (7) assesses the impact of the plan on unique river and  
15 stream segments identified in Subdivision (6) if the regional water  
16 planning group or the legislature determines that a site of unique  
17 ecological value exists; ~~and~~

18 (8) describes the impact of proposed water projects on  
19 water quality; and

20 (9) includes information on:

21 (A) projected water use and conservation in the  
22 regional water planning area; and

23 (B) the implementation of state and regional  
24 water plan projects, including water conservation strategies,  
25 necessary to meet the state's projected water demands.

26 SECTION 2. Subchapter K, Chapter 16, Water Code, is amended  
27 by adding Sections 16.403 and 16.404 to read as follows:

1       Sec. 16.403. WATER USE REPORTING. (a) The board and the  
2 commission, in consultation with the Water Conservation Advisory  
3 Council, shall develop a uniform, consistent methodology and  
4 guidance for calculating water use and conservation to be used by a  
5 municipality or water utility in developing water conservation  
6 plans and preparing reports required under this code. At a minimum,  
7 the methodology and guidance must include:

8           (1) a method of calculating water use for each sector  
9 of water users served by a municipality or water utility;

10          (2) a method of classifying water users within  
11 sectors;

12          (3) a method of calculating water use in the  
13 residential sector that includes both single-family and  
14 multifamily residences, in gallons per capita per day;

15          (4) a method of calculating water use in the  
16 industrial, agricultural, commercial, and institutional sectors  
17 that is not dependent on a municipality's population or the number  
18 of customers served by a water utility; and

19          (5) guidelines on the use of service populations by a  
20 municipality or water utility in developing a per-capita-based  
21 method of calculation, including guidance on the use of permanent  
22 and temporary populations in making calculations.

23       (b) The board or the commission, as appropriate, shall use  
24 the methodology and guidance developed under Subsection (a) in  
25 evaluating a water conservation plan, program of water  
26 conservation, survey, or other report relating to water  
27 conservation submitted to the board or the commission under:

- 1           (1) Section 11.1271;
- 2           (2) Section 13.146;
- 3           (3) Section 15.106;
- 4           (4) Section 15.607;
- 5           (5) Section 15.975;
- 6           (6) Section 15.995;
- 7           (7) Section 16.012(m);
- 8           (8) Section 16.402;
- 9           (9) Section 17.125;
- 10          (10) Section 17.277;
- 11          (11) Section 17.857; or
- 12          (12) Section 17.927.

13           (c) The board, in consultation with the commission and the  
14 Water Conservation Advisory Council, shall develop a data  
15 collection and reporting program for municipalities and water  
16 utilities with more than 3,300 connections.

17           (d) Not later than January 1 of each odd-numbered year, the  
18 board shall submit to the legislature a report that includes the  
19 most recent data relating to:

20           (1) statewide water usage in the residential,  
21 industrial, agricultural, commercial, and institutional sectors;  
22 and

23           (2) the data collection and reporting program  
24 developed under Subsection (c).

25           Sec. 16.404. RULES AND STANDARDS. (a) Except as provided  
26 by Subsection (b), the commission and the board, as appropriate,  
27 shall adopt rules and standards as necessary to implement this

1 subchapter. At a minimum, the rules adopted under this section must  
2 require a municipality or water utility to report the most detailed  
3 level of water use data currently available to the municipality or  
4 water utility.

5 (b) The commission or board may not adopt a rule that  
6 requires a municipality or water utility to report water use data  
7 that is more detailed than the billing system of the municipality or  
8 water utility is capable of producing.

9 (c) The commission or board may require that a billing  
10 system purchased by a municipality or water utility after September  
11 1, 2011, be capable of reporting detailed water use data in a manner  
12 prescribed by the commission or board.

13 SECTION 3. (a) Not later than January 1, 2013, the Texas  
14 Water Development Board and the Texas Commission on Environmental  
15 Quality, in consultation with the Water Conservation Advisory  
16 Council, shall develop the water use and conservation calculation  
17 methodology and guidance and the data collection and reporting  
18 program required by Sections 16.403(a) and (c), Water Code, as  
19 added by this Act.

20 (b) Not later than January 1, 2015, the Texas Water  
21 Development Board shall submit to the legislature the first report  
22 required by Section 16.403(d), Water Code, as added by this Act.

23 SECTION 4. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2011.