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S.B. No. 181

A BILL TO BE ENTITLED

AN ACT

relating to the reporting of water conservation measures by municipalities and water utilities.

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

SECTION 1. Subchapter K, Chapter 16, Water Code, is amended by adding Section 16.403 to read as follows:

Sec. 16.403. WATER CONSERVATION REPORTING. (a) The legislature finds that:

(1) tracking the implementation of water conservation strategies or projects as part of the state water plan is necessary in order to evaluate the extent to which the water planning process is aiding the state's ability to meet future water demands;

(2) gallons per capita per day, the common metric used by municipalities and water utilities for water supply planning and conservation implementation and tracking, is not an accurate measure of water conservation, because a uniform, consistent methodology for the calculation of gallons per capita per day has not been established;

(3) using a single gallons per capita per day metric to compare the water use and conservation of municipalities and utilities does not produce a reliable comparison, because water use and conservation depend on several variables, such as differences in the amount of water used for power production and commercial and industrial sector activities, permanent versus temporary service

1 populations, and agricultural sector production;

2 (4) a utility or municipality's industrial and  
3 agricultural sector gallons per capita per day figures are not an  
4 accurate measure of actual water use and conservation by entities  
5 within those sectors, because water use in the industrial and  
6 agricultural sectors is not population-dependent and thus not  
7 accurately calculated using a population-based metric; and

8 (5) a sector-based water conservation metric is  
9 necessary in order to provide an accurate comparison of water  
10 conservation progress among utilities and municipalities.

11 (b) Not later than September 1, 2012, the board and the  
12 commission, in consultation with the Water Conservation Advisory  
13 Council, shall develop uniform methodology and guidance for  
14 calculating and reporting municipal water use and conservation for  
15 use in water conservation plans and reports that, at a minimum,  
16 include:

17 (1) a uniform methodology for municipalities and water  
18 utilities on how to calculate water use and conservation for  
19 various sectors of water users, including guidance for categorizing  
20 water users within sectors;

21 (2) a uniform gallons per capita per day methodology  
22 for residential sector use that includes both single-family  
23 residential and multifamily residential use;

24 (3) a uniform gallons per capita per day methodology  
25 for commercial and institutional sector use;

26 (4) a uniform methodology for calculating industrial  
27 and agricultural sector use that is not population-dependent; and

1           (5) guidance for municipalities and water utilities in  
2 the use of service populations when developing per capita-based  
3 calculations, in consideration of permanent and temporary service  
4 populations, as appropriate.

5           (c) On development of the uniform methodology and guidance  
6 under Subsection (b), the board and the commission shall  
7 incorporate the uniform methodology and guidance into the plans and  
8 reports required under Sections 11.1271, 13.146, and 15.106.

9           (d) The board shall work with the commission and the Water  
10 Conservation Advisory Council on the development of a data  
11 collection and reporting program to be implemented in phases,  
12 according to size of utility, over a five-year period. This data  
13 collection and reporting program shall be required of all  
14 municipalities and water utilities not later than January 1, 2017.

15           (e) Beginning January 1, 2013, the board shall submit an  
16 annual report to the legislature that includes the most recent data  
17 on statewide water usage in each of the major water use sectors  
18 described by Subsections (b)(2) and (3). The report shall include  
19 information on projected water use and conservation and the status  
20 of the implementation of state water plan projects to meet the  
21 state's projected water demands.

22           SECTION 2. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2011.