

SENATE AMENDMENTS

2nd Printing

By: Miller of Comal

H.B. No. 3391

A BILL TO BE ENTITLED

AN ACT

1
2 relating to rainwater harvesting and other water conservation
3 initiatives.

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

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

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

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

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

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

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

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

1 (2) rainwater harvesting system technology for
2 potable and nonpotable indoor use and landscape watering be
3 incorporated into the design and construction of each new state
4 building with a roof measuring at least 50,000 square feet that is
5 located in an area of this state in which the average annual
6 rainfall is at least 20 inches.

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

17 SECTION 3. Section 341.042, Health and Safety Code, is
18 amended by amending Subsection (b) and adding Subsections (b-1),
19 (b-2), and (b-3) to read as follows:

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

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

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

27 (b-1) The commission shall develop rules regarding the

1 installation and maintenance of rainwater harvesting systems that
2 are used for indoor potable purposes and connected to a public water
3 supply system. The rules must contain criteria that are sufficient
4 to ensure that:

5 (1) safe sanitary drinking water standards are met;
6 and

7 (2) harvested rainwater does not come into
8 communication with a public water supply system's drinking water at
9 a location off of the property on which the rainwater harvesting
10 system is located.

11 (b-2) A person who intends to connect a rainwater harvesting
12 system to a public water supply system for use for potable purposes
13 must give written notice of that intention to the municipality in
14 which the rainwater harvesting system is located or the owner or
15 operator of the public water supply system before connecting the
16 rainwater harvesting system to the public water supply system.

17 (b-3) A municipality or the owner or operator of a public
18 water supply system may not be held liable for any adverse health
19 effects allegedly caused by the consumption of water collected by a
20 rainwater harvesting system that is connected to a public water
21 supply system and is used for potable purposes if the municipality
22 or the public water supply system is in compliance with the sanitary
23 standards for drinking water adopted by the commission and
24 applicable to the municipality or public water supply system.

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

27 Sec. 580.004. RAINWATER HARVESTING. (a) Each municipality

1 and county is encouraged to promote rainwater harvesting at
2 residential, commercial, and industrial facilities through
3 incentives such as the provision at a discount of rain barrels or
4 rebates for water storage facilities.

5 (b) The Texas Water Development Board shall ensure that
6 training on rainwater harvesting is available for the members of
7 the permitting staffs of municipalities and counties at least
8 quarterly. Each member of the permitting staff of each county and
9 municipality located wholly or partly in an area designated by the
10 Texas Commission on Environmental Quality as a priority groundwater
11 management area under Section 35.008, Water Code, whose work
12 relates directly to permits involving rainwater harvesting and each
13 member of the permitting staff of each county and municipality with
14 a population of more than 100,000 whose work relates directly to
15 permits involving rainwater harvesting must receive appropriate
16 training regarding rainwater harvesting standards and their
17 relation to permitting at least once every five years. Members of
18 the permitting staffs of counties and municipalities not located
19 wholly or partly in an area designated by the Texas Commission on
20 Environmental Quality as a priority groundwater management area
21 under Section 35.008, Water Code, whose work relates directly to
22 permits involving rainwater harvesting and members of the
23 permitting staffs of counties and municipalities with a population
24 of 100,000 or less whose work relates directly to permits involving
25 rainwater harvesting are encouraged to receive the training. The
26 Texas Water Development Board may provide appropriate training by
27 seminars or by videotape or functionally similar and widely

1 available media without cost.

2 (c) A municipality or county may not deny a building permit
3 solely because the facility will implement rainwater harvesting.
4 However, a municipality or county may require that a rainwater
5 harvesting system comply with the minimum state standards
6 established for such a system.

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

9 SECTION 5. Section 5.008(b), Property Code, is amended to
10 read as follows:

11 (b) The notice must be executed and must, at a minimum, read
12 substantially similar to the following:

13 SELLER'S DISCLOSURE NOTICE

14 CONCERNING THE PROPERTY AT _____
15 (Street Address and City)

16 THIS NOTICE IS A DISCLOSURE OF SELLER'S KNOWLEDGE OF
17 THE CONDITION OF THE PROPERTY AS OF THE DATE SIGNED BY
18 SELLER AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR
19 WARRANTIES THE PURCHASER MAY WISH TO OBTAIN. IT IS NOT
20 A WARRANTY OF ANY KIND BY SELLER OR SELLER'S AGENTS.

21 Seller ___ is ___ is not occupying the Property.

22 If unoccupied, how long since Seller has occupied the Property?

23 _____

24 1. The Property has the items checked below:

25 Write Yes (Y), No (N), or Unknown (U).

- | | | |
|---------------------|----------------------|------------------|
| 26 ___ Range | ___ Oven | ___ Microwave |
| 27 ___ Dishwasher | ___ Trash Compactor | ___ Disposal |
| 28 ___ Washer/Dryer | ___ Window | ___ Rain Gutters |
| 29 ___ Hookups | ___ Screens | |
| 30 ___ Security | ___ Fire Detection | ___ Intercom |
| 31 ___ System | ___ Equipment | ___ System |
| 32 | ___ Smoke Detector | |
| 33 | ___ Smoke Detector - | |
| 34 | ___ Hearing Impaired | |

- 1 ___ Carbon Monoxide
- 2 Alarm
- 3 ___ Emergency Escape
- 4 Ladder(s)
- 5 ___ TV Antenna ___ Cable TV ___ Satellite
- 6 Wiring Dish
- 7 ___ Ceiling Fan(s) ___ Attic Fan(s) ___ Exhaust
- 8 Fan(s)
- 9 ___ Central A/C ___ Central Heating ___ Wall/Window
- 10 Air
- 11 Conditioning
- 12 ___ Plumbing System ___ Septic System ___ Public Sewer
- 13 System
- 14 ___ Patio/Decking ___ Outdoor Grill ___ Fences
- 15 ___ Pool ___ Sauna ___ Spa
- 16 Hot Tub
- 17 ___ Pool Equipment ___ Pool Heater ___ Automatic Lawn
- 18 Sprinkler
- 19 System
- 20 ___ Fireplace(s) &
- 21 Chimney ___ Fireplace(s) &
- 22 (Woodburning) Chimney
- 23 ___ Gas Lines ___ Gas Fixtures
- 24 (Nat./LP)
- 25 Garage: ___ Attached ___ Not Attached ___ Carport
- 26 Garage Door Opener(s): ___ Electronic ___ Control(s)
- 27 Water Heater: ___ Gas ___ Electric
- 28 Water Supply: ___ City ___ Well ___ MUD ___ Co-op
- 29 Roof Type: _____ Age: _____(approx)

30 Are you (Seller) aware of any of the above items that are not in
 31 working condition, that have known defects, or that are in need of
 32 repair? ___ Yes ___ No ___ Unknown.

33 If yes, then describe. (Attach additional sheets if necessary):
 34 _____
 35 _____

36 2. Does the property have working smoke detectors installed in
 37 accordance with the smoke detector requirements of Chapter 766,
 38 Health and Safety Code?* ___ Yes ___ No ___ Unknown.

39 If the answer to the question above is no or unknown,
 40 explain. (Attach additional sheets if necessary):
 41 _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

*Chapter 766 of the Health and Safety Code requires one-family or two-family dwellings to have working smoke detectors installed in accordance with the requirements of the building code in effect in the area in which the dwelling is located, including performance, location, and power source requirements. If you do not know the building code requirements in effect in your area, you may check unknown above or contact your local building official for more information. A buyer may require a seller to install smoke detectors for the hearing impaired if: (1) the buyer or a member of the buyer's family who will reside in the dwelling is hearing impaired; (2) the buyer gives the seller written evidence of the hearing impairment from a licensed physician; and (3) within 10 days after the effective date, the buyer makes a written request for the seller to install smoke detectors for the hearing impaired and specifies the locations for installation. The parties may agree who will bear the cost of installing the smoke detectors and which brand of smoke detectors to install.

3. Are you (Seller) aware of any known defect/malfunctions in any of the following?

Write Yes (Y) if you are aware, write No (N) if you are not aware.

- | | | |
|------------------------------------------------------|-------------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Interior Walls | <input type="checkbox"/> Ceilings | <input type="checkbox"/> Floors |
| <input type="checkbox"/> Exterior Walls | <input type="checkbox"/> Doors | <input type="checkbox"/> Windows |
| <input type="checkbox"/> Roof | <input type="checkbox"/> Foundation/
Slab(s) | <input type="checkbox"/> Basement |
| <input type="checkbox"/> Walls/Fences | <input type="checkbox"/> Driveways | <input type="checkbox"/> Sidewalks |
| <input type="checkbox"/> Plumbing/Sewers/
Septics | <input type="checkbox"/> Electrical
Systems | <input type="checkbox"/> Lighting
Fixtures |

Other Structural Components (Describe): _____

1 _____
2 If the answer to any of the above is yes, explain. (Attach
3 additional sheets if necessary): _____
4 _____
5 _____

6 4. Are you (Seller) aware of any of the following conditions?
7 Write Yes (Y) if you are aware, write No (N) if you are not aware.

- 8 Active Termites Previous Structural
- 9 (includes or Roof Repair
- 10 wood-destroying insects)
- 11 Termite or Wood Rot Hazardous or Toxic Waste
- 12 Damage
- 13 Needing Repair
- 14 Previous Termite Damage Asbestos Components
- 15 Previous Termite Urea formaldehyde
- 16 Treatment Insulation
- 17 Previous Flooding Radon Gas
- 18 Improper Drainage Lead Based Paint
- 19 Water Penetration Aluminum Wiring
- 20 Located in 100-Year Previous Fires
- 21 Floodplain
- 22 Present Flood Insurance Unplatted Easements
- 23 Coverage
- 24 Landfill, Settling, Soil Subsurface
- 25 Movement, Fault Lines Structure or Pits
- 26 Previous Use of
- 27 Premises for
- 28
- 29 Manufacture of Methamphetamine

30 If the answer to any of the above is yes, explain. (Attach
31 additional sheets if necessary): _____
32 _____
33 _____

34 5. Are you (Seller) aware of any item, equipment, or system in or
35 on the property that is in need of repair? Yes (if you are
36 aware) No (if you are not aware). If yes, explain (attach
37 additional sheets as necessary): _____

1 6. Are you (Seller) aware of any of the following?

2 Write Yes (Y) if you aware, write No (N) if you are not aware.

3 Room additions, structural modifications, or other
4 alterations or repairs made without necessary permits or not
5 in compliance with building codes in effect at that time.

6 Homeowners' Association or maintenance fees or assessments.

7 Any "common area" (facilities such as pools, tennis courts,
8 walkways, or other areas) co-owned in undivided interest with
9 others.

10 Any notices of violations of deed restrictions or
11 governmental ordinances affecting the condition or use of the
12 Property.

13 Any lawsuits directly or indirectly affecting the Property.

14 Any condition on the Property which materially affects the
15 physical health or safety of an individual.

16 Any rainwater harvesting system connected to the property's
17 public water supply that is able to be used for indoor potable
18 purposes.

19 If the answer to any of the above is yes, explain. (Attach
20 additional sheets if necessary): _____

21 _____

22 _____

23 7. If the property is located in a coastal area that is seaward of
24 the Gulf Intracoastal Waterway or within 1,000 feet of the mean high
25 tide bordering the Gulf of Mexico, the property may be subject to
26 the Open Beaches Act or the Dune Protection Act (Chapter 61 or 63,
27 Natural Resources Code, respectively) and a beachfront
28 construction certificate or dune protection permit may be required
29 for repairs or improvements. Contact the local government with
30 ordinance authority over construction adjacent to public beaches
31 for more information.

32 _____
33 Date Signature of Seller

34 The undersigned purchaser hereby acknowledges receipt of the
35 foregoing notice.

1 _____
2 Date Signature of Purchaser

3 SECTION 6. Section 202.007(d), Property Code, is amended to
4 read as follows:

5 (d) This section does not:

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

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

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

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

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

22 (3) prohibit a property owners' association from
23 regulating the installation of efficient irrigation systems,
24 including establishing visibility limitations for aesthetic
25 purposes;

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

1 (5) restrict a property owners' association from
2 regulating yard and landscape maintenance if the restrictions or
3 requirements do not restrict or prohibit turf or landscaping design
4 that promotes water conservation;

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

8 (A) the property is:

9 (i) owned by the property owners'
10 association;

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

13 (iii) located between the front of the
14 property owner's home and an adjoining or adjacent street; or

15 (B) the barrel or system:

16 (i) is of a color other than a color
17 consistent with the color scheme of the property owner's home; or

18 (ii) displays any language or other content
19 that is not typically displayed by such a barrel or system as it is
20 manufactured; or

21 (7) restrict a property owners' association from
22 regulating the size, type, and shielding of, and the materials used
23 in the construction of, a rain barrel, rainwater harvesting device,
24 or other appurtenance that is located on the side of a house or at
25 any other location that is visible from a street, another lot, or a
26 common area if:

27 (A) the restriction does not prohibit the

1 economic installation of the device or appurtenance on the property
2 owner's property; and

3 (B) there is a reasonably sufficient area on the
4 property owner's property in which to install the device or
5 appurtenance.

6 SECTION 7. Section 1.003, Water Code, is amended to read as
7 follows:

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

11 (1) the control, storage, preservation, and
12 distribution of the state's storm and floodwaters and the waters of
13 its rivers and streams for irrigation, power, and other useful
14 purposes;

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

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

19 (4) the conservation and development of its forest,
20 water, and hydroelectric power;

21 (5) the navigation of the state's inland and coastal
22 waters;

23 (6) the maintenance of a proper ecological environment
24 of the bays and estuaries of Texas and the health of related living
25 marine resources; ~~and~~

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

1 (8) the promotion of rainwater harvesting for potable
2 and nonpotable purposes at public and private facilities in this
3 state, including residential, commercial, and industrial
4 buildings.

5 SECTION 8. If the 82nd Legislature makes an appropriation
6 to the Texas Water Development Board to provide matching grants to
7 political subdivisions of this state for rainwater harvesting
8 demonstration projects, the board shall, not later than December 1,
9 2012, provide a report to the lieutenant governor and the speaker of
10 the house of representatives regarding the projects for which the
11 board has provided grants, including:


12 (1) a description of each project; and

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

14 SECTION 9. Section 5.008(b), Property Code, as amended by
15 this Act, applies only to a transfer of property that occurs on or
16 after the effective date of this Act. A transfer of property that
17 occurs before the effective date of this Act is governed by the law
18 applicable to the transfer immediately before that date, and the
19 former law is continued in effect for that purpose. For the
20 purposes of this section, a transfer of property occurs before the
21 effective date of this Act if the contract binding the purchaser to
22 purchase the property is executed before that date.

23 SECTION 10. This Act takes effect September 1, 2011.

FLOOR AMENDMENT NO. 1


BY: 

Amend H.B. 3391 (senate committee printing) as follows:

- 1 (1) In Section 3 of the bill, in Section 341.042, Health and
- 2 Safety Code, Subsection (b-2) (page 2, line 6), strike
- 3 the phrase "give written notice of that intention to" and
- 4 replace with the phrase "receive the consent of".
- 5

ADOPTED

MAY 20 2011


Secretary of the Senate

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 20, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3391 by Miller, Doug (Relating to rainwater harvesting and other water conservation initiatives.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would allow financial institutions to consider making loans for developments that will have harvested rainwater as the sole source of water supply. The bill would require on-site reclaimed technologies potable and nonpotable indoor use and landscape watering in the design and construction of any new state building that is at least 10,000 square feet, any other new state building where it would be feasible, and in the design and construction of each new state building that is at least 50,000 square feet and is located in an area of the state that receives at least 20 inches of average annual rainfall.

The bill would allow the use of harvested rainwater for indoor potable use as well as nonpotable indoor purposes if a structure is connected to a public water supply system and has a rainwater harvesting system for indoor use. In addition, the bill would: encourage municipalities and counties to promote rainwater harvesting through incentives such as a discount on rain barrels or rebates for water storage facilities; provide that each municipality or county that has adopted impervious cover or density restrictions consider harvested rainwater as an on-site water supply source when determining credit against or exemption from the restrictions, require the Texas Water Development Board (TWDB) to make training materials on rainwater harvesting available; and disallow a municipality or county from denying a building permit just because the facility will implement rainwater harvesting; and encourage each school district to implement rainwater harvesting at its facilities.

The bill would prohibit a property owner's association from restricting a person from installing a rain barrel or rain harvesting device, with certain exceptions. The bill would provide that if the Legislature would make an appropriation to the TWDB to provide matching grants to political subdivisions for rainwater harvesting demonstration projects, the TWDB would be required to provide a report to the Lieutenant Governor and the Speaker of the House showing the description of each project and the amount of the grant provided for each project no later than December 1, 2012.

Both the Texas Commission on Environmental Quality and TWDB report that the bill would not result in a significant fiscal impact to the respective agency.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 580 Water Development Board, 582 Commission on Environmental Quality

LBB Staff: JOB, TL, SZ, KKR

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 9, 2011

TO: Honorable Troy Fraser, Chair, Senate Committee on Natural Resources

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3391 by Miller, Doug (Relating to rainwater harvesting and other water conservation initiatives.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would allow financial institutions to consider making loans for developments that will have harvested rainwater as the sole source of water supply. The bill would require on-site reclaimed technologies potable and nonpotable indoor use and landscape watering in the design and construction of any new state building that is at least 10,000 square feet, any other new state building where it would be feasible, and in the design and construction of each new state building that is at least 50,000 square feet and is located in an area of the state that receives at least 20 inches of average annual rainfall.

The bill would allow the use of harvested rainwater for indoor potable use as well as nonpotable indoor purposes if a structure is connected to a public water supply system and has a rainwater harvesting system for indoor use. In addition, the bill would: encourage municipalities and counties to promote rainwater harvesting through incentives such as a discount on rain barrels or rebates for water storage facilities; provide that each municipality or county that has adopted impervious cover or density restrictions consider harvested rainwater as an on-site water supply source when determining credit against or exemption from the restrictions, require the Texas Water Development Board (TWDB) to make training materials on rainwater harvesting available; and disallow a municipality or county from denying a building permit just because the facility will implement rainwater harvesting; and encourage each school district to implement rainwater harvesting at its facilities.

The bill would prohibit a property owner's association from restricting a person from installing a rain barrel or rain harvesting device, with certain exceptions. The bill would provide that if the Legislature would make an appropriation to the TWDB to provide matching grants to political subdivisions for rainwater harvesting demonstration projects, the TWDB would be required to provide a report to the Lieutenant Governor and the Speaker of the House showing the description of each project and the amount of the grant provided for each project no later than December 1, 2012.

Both the Texas Commission on Environmental Quality and TWDB report that the bill would not result in a significant fiscal impact to the respective agency.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 580 Water Development Board, 582 Commission on Environmental Quality

LBB Staff: JOB, TL, SZ, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 18, 2011

TO: Honorable Allan Ritter, Chair, House Committee on Natural Resources

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3391 by Miller, Doug (Relating to rainwater harvesting and other water conservation initiatives.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would allow financial institutions to consider making loans for developments that will have harvested rainwater as the sole source of water supply. The bill would require on-site reclaimed technologies potable and nonpotable indoor use and landscape watering in the design and construction of any new state building that is at least 10,000 square feet, any other new state building where it would be feasible, and in the design and construction of each new state building that is at least 50,000 square feet and is located in an area of the state that receives at least 20 inches of average annual rainfall.

The bill would allow the use of harvested rainwater for indoor potable use as well as nonpotable indoor purposes if a structure is connected to a public water supply system and has a rainwater harvesting system for indoor use. In addition, the bill would: encourage municipalities and counties to promote rainwater harvesting through incentives such as a discount on rain barrels or rebates for water storage facilities; provide that each municipality or county that has adopted impervious cover or density restrictions consider harvested rainwater as an on-site water supply source when determining credit against or exemption from the restrictions, require the Texas Water Development Board (TWDB) to make training materials on rainwater harvesting available; and disallow a municipality or county from denying a building permit just because the facility will implement rainwater harvesting; and encourage each school district to implement rainwater harvesting at its facilities.

The bill would prohibit a property owner's association from restricting a person from installing a rain barrel or rain harvesting device, with certain exceptions. The bill would provide that if the Legislature would make an appropriation to the TWDB to provide matching grants to political subdivisions for rainwater harvesting demonstration projects, the TWDB would be required to provide a report to the Lieutenant Governor and the Speaker of the House showing the description of each project and the amount of the grant provided for each project no later than December 1, 2012.

Both the Texas Commission on Environmental Quality and TWDB report that the bill would not result in a significant fiscal impact to the respective agency.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 580 Water Development Board, 582 Commission on Environmental Quality

LBB Staff: JOB, TL, SZ, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 28, 2011

TO: Honorable Allan Ritter, Chair, House Committee on Natural Resources

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3391 by Miller, Doug (Relating to rainwater harvesting and other water conservation initiatives.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would allow financial institutions to consider making loans for developments that will have harvested rainwater as the sole source of water supply. The bill would require on-site reclaimed technologies potable and nonpotable indoor use and landscape watering in the design and construction of any new state building that is at least 10,000 square feet, any other new state building where it would be feasible, and in the design and construction of each new state building that is at least 50,000 square feet and is located in an area of the state that receives at least 20 inches of average annual rainfall.

The bill would allow the use of harvested rainwater for indoor potable use as well as nonpotable indoor purposes if a structure is connected to a public water supply system and has a rainwater harvesting system for indoor use. In addition, the bill would: encourage municipalities and counties to promote rainwater harvesting through incentives such as a discount on rain barrels or rebates for water storage facilities; provide that each municipality or county that has adopted impervious cover or density restrictions consider harvested rainwater as an on-site water supply source when determining credit against or exemption from the restrictions, require the Texas Water Development Board (TWDB) to make training on rainwater harvesting available to the permitting staffs of municipalities and counties at least quarterly, to the permitting staff of each county and municipality in a priority groundwater management area and each member of the permitting staff of each county and municipality with a population of more than 100,000 at least every five years; and disallow a municipality or county from denying a building permit just because the facility will implement rainwater harvesting; and encourage each school district to implement rainwater harvesting at its facilities.

The bill would prohibit a property owner's association from restricting a person from installing a rain barrel or rain harvesting device, although such devices could still be restricted from front yards. The bill would provide that if the Legislature would make an appropriation to the TWDB to provide matching grants to political subdivisions for rainwater harvesting demonstration projects, the TWDB would be required to provide a report to the Lieutenant Governor and the Speaker of the House showing the description of each project and the amount of the grant provided for each project no later than December 1, 2012.

Both the Texas Commission on Environmental Quality and TWDB report that the bill would not result in a significant fiscal impact to the respective agency.

Local Government Impact

The bill would encourage municipalities and counties to provide rebate incentives or discounts for rain barrels or water storage tanks to promote rainwater harvesting at residential, commercial, and industrial facilities. Members of a local permitting staff in an area designated by the Texas Commission on Environmental Quality with a population of more than 100,000 would be required to attend a training seminar provided by the Texas Water Development Board at least once every five years. However, since the training would likely be available via videotape, the fiscal impact to local entities to implement the provisions of the bill is not anticipated to be significant.

Source Agencies: 580 Water Development Board, 582 Commission on Environmental Quality

LBB Staff: JOB, SZ, TL, KKR