

1-1 By: Fletcher (Senate Sponsor - Campbell) H.B. No. 2781
1-2 (In the Senate - Received from the House May 9, 2013;
1-3 May 10, 2013, read first time and referred to Committee on Natural
1-4 Resources; May 20, 2013, reported favorably by the following vote:
1-5 Yeas 8, Nays 0; May 20, 2013, sent to printer.)

1-6 COMMITTEE VOTE

1-7	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14			X	
1-15	X			
1-16			X	
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to rainwater harvesting and other water conservation
1-22 initiatives.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 447.004(c-1), Government Code, is
1-25 amended to read as follows:

1-26 (c-1) The procedural standards adopted under this section
1-27 must require that:

1-28 (1) on-site reclaimed system technologies, including
1-29 rainwater harvesting, condensate collection, or cooling tower blow
1-30 down, or a combination of those system technologies, for potable
1-31 and nonpotable indoor and outdoor water use ~~[and landscape~~
1-32 ~~watering]~~ be incorporated into the design and construction of:

1-33 (A) each new state building with a roof area
1-34 measuring at least 10,000 square feet; and

1-35 (B) any other new state building for which the
1-36 incorporation of such systems is feasible; and

1-37 (2) rainwater harvesting system technology for
1-38 potable and nonpotable indoor and outdoor water use ~~[and landscape~~
1-39 ~~watering]~~ be incorporated into the design and construction of each
1-40 new state building with a roof area measuring at least 50,000 square
1-41 feet that is located in an area of this state in which the average
1-42 annual rainfall is at least 20 inches.

1-43 SECTION 2. Section 341.042(b), Health and Safety Code, as
1-44 amended by Chapters 1311 (H.B. 3391) and 1240 (S.B. 1073), Acts of
1-45 the 82nd Legislature, Regular Session, 2011, is reenacted and
1-46 amended to read as follows:

1-47 (b) The commission by rule shall provide that if a structure
1-48 ~~[is connected to a public water supply system and]~~ has a rainwater
1-49 harvesting system and uses a public water supply for an auxiliary
1-50 water source ~~[for indoor use]~~, the structure must have appropriate
1-51 cross-connection safeguards.

1-52 SECTION 3. Sections 341.042(b-1) and (b-3), Health and
1-53 Safety Code, as added by Chapter 1240 (S.B. 1073), Acts of the 82nd
1-54 Legislature, Regular Session, 2011, are amended to read as follows:

1-55 (b-1) A privately owned rainwater harvesting system with a
1-56 capacity of more than 500 gallons that has an auxiliary water supply
1-57 shall have a backflow prevention assembly or an air gap installed at
1-58 the storage facility for the harvested rainwater to ensure physical
1-59 separation between the rainwater harvesting system and the
1-60 auxiliary water supply. A rainwater harvesting system that meets
1-61 the requirements of this subsection is considered connected to a

public water supply system only for purposes of compliance with minimum water system capacity requirements as determined by commission rule. ~~[The commission shall work with the department to develop rules regarding the installation and maintenance of rainwater harvesting systems that are used for indoor potable purposes and connected to a public water supply system. The rules must contain criteria that are sufficient to ensure that:~~

~~[(1) safe sanitary drinking water standards are met, and~~

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

(b-3) A person who intends to use ~~[connect a rainwater harvesting system to]~~ a public water supply system as an auxiliary water source ~~[for use for potable purposes]~~ must give written notice of that intention to the municipality in which the rainwater harvesting system is located or the owner or operator of the public water supply system ~~[before connecting the rainwater harvesting system to the public water supply system]~~. The public water supply system used as an auxiliary water source may be connected only to the water storage tank and may not be connected to the plumbing of a structure.

SECTION 4. Section 341.042(b-3), Health and Safety Code, as added by Chapter 1311 (H.B. 3391), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Section 341.042(b-5), Health and Safety Code, and amended to read as follows:

(b-5) ~~[(b-3)]~~ A municipality or the owner or operator of a public water supply system may not be held liable for any adverse health effects allegedly caused by the consumption of water collected by a rainwater harvesting system that uses ~~[is connected to]~~ a public water supply system or an auxiliary water source and is used for potable purposes if the municipality or the public water supply system is in compliance with the sanitary standards for drinking water adopted by the commission and applicable to the municipality or public water supply system.

SECTION 5. Section 580.004(b), Local Government Code, is amended to read as follows:

(b) The Texas Water Development Board shall ensure that training on rainwater harvesting is available for the members of the permitting staffs of municipalities and counties at least quarterly. Each member of the permitting staff of each county and municipality located wholly or partly in an area designated by the Texas Commission on Environmental Quality as a priority groundwater management area under Section 35.008, Water Code, whose work relates directly to permits involving rainwater harvesting and each member of the permitting staff of each county and municipality with a population of more than 10,000 ~~[100,000]~~ whose work relates directly to permits involving rainwater harvesting must receive appropriate training regarding rainwater harvesting standards and their relation to permitting at least once every five years. Members of the permitting staffs of counties and municipalities not located wholly or partly in an area designated by the Texas Commission on Environmental Quality as a priority groundwater management area under Section 35.008, Water Code, whose work relates directly to permits involving rainwater harvesting and members of the permitting staffs of counties and municipalities with a population of 10,000 ~~[100,000]~~ or less whose work relates directly to permits involving rainwater harvesting are encouraged to receive the training. The Texas Water Development Board may provide appropriate training by seminars or by videotape or functionally similar and widely available media without cost.

SECTION 6. Section 5.008(b), Property Code, is amended to read as follows:

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

SELLER'S DISCLOSURE NOTICE
CONCERNING THE PROPERTY AT _____

(Street Address and City)

3-1 THIS NOTICE IS A DISCLOSURE OF SELLER'S KNOWLEDGE OF
 3-2 THE CONDITION OF THE PROPERTY AS OF THE DATE SIGNED BY
 3-3 SELLER AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR
 3-4 WARRANTIES THE PURCHASER MAY WISH TO OBTAIN. IT IS NOT
 3-5 A WARRANTY OF ANY KIND BY SELLER OR SELLER'S AGENTS.

3-6 Seller ___ is ___ is not occupying the Property.
 3-7 If unoccupied, how long since Seller has occupied the Property?

3-8
 3-9 1. The Property has the items checked below:
 3-10 Write Yes (Y), No (N), or Unknown (U).

3-11	___ Range	___ Oven	___ Microwave
3-12	___ Dishwasher	___ Trash Compactor	___ Disposal
3-13	___ Washer/Dryer	___ Window	___ Rain Gutters
3-14	___ Hookups	___ Screens	
3-15	___ Security	___ Fire Detection	___ Intercom
3-16	___ System	___ Equipment	___ System
3-17		___ Smoke Detector	
3-18		___ Smoke Detector -	
3-19		Hearing Impaired	
3-20		___ Carbon Monoxide	
3-21		Alarm	
3-22		___ Emergency Escape	
3-23		Ladder(s)	
3-24	___ TV Antenna	___ Cable TV	___ Satellite
3-25		___ Wiring	___ Dish
3-26	___ Ceiling Fan(s)	___ Attic Fan(s)	___ Exhaust
3-27			___ Fan(s)
3-28	___ Central A/C	___ Central Heating	___ Wall/Window
3-29			Air
3-30			Conditioning
3-31	___ Plumbing System	___ Septic System	___ Public Sewer
3-32			System
3-33	___ Patio/Decking	___ Outdoor Grill	___ Fences
3-34	___ Pool	___ Sauna	___ Spa
3-35			___ Hot Tub
3-36	___ Pool Equipment	___ Pool Heater	___ Automatic Lawn
3-37			Sprinkler
3-38			System
3-39	___ Fireplace(s) &		___ Fireplace(s) &
3-40	Chimney		Chimney
3-41	(Woodburning)		(Mock)
3-42	___ Natural Gas Lines		___ Gas Fixtures
3-43	___ Liquid Propane Gas:	___ LP Community	___ LP on Property
3-44		(Captive)	
3-45	Garage: ___ Attached	___ Not Attached	___ Carport
3-46	Garage Door Opener(s):	___ Electronic	___ Control(s)
3-47	Water Heater:	___ Gas	___ Electric
3-48	Water Supply: ___ City	___ Well ___ MUD	___ Co-op
3-49	Roof Type: _____	Age: _____	(approx)
3-50	Are you (Seller) aware of any of the above items that are not in		
3-51	working condition, that have known defects, or that are in need of		
3-52	repair? ___ Yes ___ No ___ Unknown.		
3-53	If yes, then describe. (Attach additional sheets if necessary):		
3-54	_____		
3-55	_____		

3-56 2. Does the property have working smoke detectors installed in
 3-57 accordance with the smoke detector requirements of Chapter 766,
 3-58 Health and Safety Code?* ___ Yes ___ No ___ Unknown.
 3-59 If the answer to the question above is no or unknown,
 3-60 explain. (Attach additional sheets if necessary): _____

3-61
 3-62
 3-63 *Chapter 766 of the Health and Safety Code requires
 3-64 one-family or two-family dwellings to have working smoke detectors
 3-65 installed in accordance with the requirements of the building code
 3-66 in effect in the area in which the dwelling is located, including
 3-67 performance, location, and power source requirements. If you do

4-1 not know the building code requirements in effect in your area, you
 4-2 may check unknown above or contact your local building official for
 4-3 more information. A buyer may require a seller to install smoke
 4-4 detectors for the hearing impaired if: (1) the buyer or a member of
 4-5 the buyer's family who will reside in the dwelling is hearing
 4-6 impaired; (2) the buyer gives the seller written evidence of the
 4-7 hearing impairment from a licensed physician; and (3) within 10
 4-8 days after the effective date, the buyer makes a written request for
 4-9 the seller to install smoke detectors for the hearing impaired and
 4-10 specifies the locations for installation. The parties may agree
 4-11 who will bear the cost of installing the smoke detectors and which
 4-12 brand of smoke detectors to install.
 4-13 3. Are you (Seller) aware of any known defects/malfunctions in any
 4-14 of the following?
 4-15 Write Yes (Y) if you are aware, write No (N) if you are not aware.

4-16	<input type="checkbox"/> Interior Walls	<input type="checkbox"/> Ceilings	<input type="checkbox"/> Floors
4-17	<input type="checkbox"/> Exterior Walls	<input type="checkbox"/> Doors	<input type="checkbox"/> Windows
4-18	<input type="checkbox"/> Roof	<input type="checkbox"/> Foundation/ Slab(s)	<input type="checkbox"/> Basement
4-19			
4-20	<input type="checkbox"/> Walls/Fences	<input type="checkbox"/> Driveways	<input type="checkbox"/> Sidewalks
4-21	<input type="checkbox"/> Plumbing/Sewers/ Septics	<input type="checkbox"/> Electrical Systems	<input type="checkbox"/> Lighting Fixtures
4-22			
4-23	<input type="checkbox"/> Other Structural Components (Describe): _____		
4-24	_____		
4-25	_____		
4-26	If the answer to any of the above is yes, explain. (Attach		
4-27	additional sheets if necessary): _____		
4-28	_____		
4-29	_____		
4-30	4. Are you (Seller) aware of any of the following conditions?		
4-31	Write Yes (Y) if you are aware, write No (N) if you are not aware.		

4-32	<input type="checkbox"/> Active Termites	<input type="checkbox"/> Previous Structural or Roof Repair
4-33	(includes	
4-34	wood-destroying insects)	
4-35	<input type="checkbox"/> Termite or Wood Rot Damage	<input type="checkbox"/> Hazardous or Toxic Waste
4-36	Needing Repair	
4-37	<input type="checkbox"/> Previous Termite Damage	<input type="checkbox"/> Asbestos Components
4-38	<input type="checkbox"/> Previous Termite	<input type="checkbox"/> Urea formaldehyde
4-39	Treatment	<input type="checkbox"/> Insulation
4-40	<input type="checkbox"/> Previous Flooding	<input type="checkbox"/> Radon Gas
4-41	<input type="checkbox"/> Improper Drainage	<input type="checkbox"/> Lead Based Paint
4-42	<input type="checkbox"/> Water Penetration	<input type="checkbox"/> Aluminum Wiring
4-43	<input type="checkbox"/> Located in 100-Year	<input type="checkbox"/> Previous Fires
4-44	Floodplain	
4-45	<input type="checkbox"/> Present Flood Insurance	<input type="checkbox"/> Unplatted Easements
4-46	Coverage	
4-47	<input type="checkbox"/> Landfill, Settling, Soil	<input type="checkbox"/> Subsurface
4-48	Movement, Fault Lines	<input type="checkbox"/> Structure or Pits
4-49	<input type="checkbox"/> Single Blockable Main	<input type="checkbox"/> Previous Use of Premises
4-50	Drain in Pool/Hot	for Manufacture of
4-51	Tub/Spa*	Methamphetamine
4-52	If the answer to any of the above is yes, explain. (Attach	
4-53	additional sheets if necessary): _____	
4-54	_____	
4-55	_____	

4-56 *A single blockable main drain may cause a suction entrapment
 4-57 hazard for an individual.

4-58 5. Are you (Seller) aware of any item, equipment, or system in or
 4-59 on the property that is in need of repair? ☐ Yes (if you are
 4-60 aware) ☐ No (if you are not aware). If yes, explain (attach
 4-61 additional sheets as necessary). _____
 4-62 6. Are you (Seller) aware of any of the following?
 4-63 Write Yes (Y) if you aware, write No (N) if you are not aware.

4-64 ☐ Room additions, structural modifications, or other
 4-65 alterations or repairs made without necessary permits or not
 4-66 in compliance with building codes in effect at that time.

5-18

5-20 7. If the property is located in a coastal area that is seaward of
5-21 the Gulf Intracoastal Waterway or within 1,000 feet of the mean high
5-22 tide bordering the Gulf of Mexico, the property may be subject to
5-23 the Open Beaches Act or the Dune Protection Act (Chapter 61 or 63,
5-24 Natural Resources Code, respectively) and a beachfront
5-25 construction certificate or dune protection permit may be required
5-26 for repairs or improvements. Contact the local government with
5-27 ordinance authority over construction adjacent to public beaches
5-28 for more information.

5-31 The undersigned purchaser hereby acknowledges receipt of the
5-32 foregoing notice.

5-35 SECTION 7. Not later than January 1, 2014, the Texas
5-36 Commission on Environmental Quality shall adopt rules to implement
5-37 Section 341.042, Health and Safety Code, as amended by this Act.

5-41 SECTION 9. Section 5.008(b), Property Code, as amended by
5-42 this Act, applies only to a transfer of property that occurs on or
5-43 after the effective date of this Act. A transfer of property that
5-44 occurs before the effective date of this Act is governed by the law
5-45 applicable to the transfer immediately before that date, and the
5-46 former law is continued in effect for that purpose. For the
5-47 purposes of this section, a transfer of property occurs before the
5-48 effective date of this Act if the contract binding the purchaser to
5-49 purchase the property is executed before that date.

5-51 * * * * *