

By: Hegar  
(Bonnen of Brazoria)

S.B. No. 1169

A BILL TO BE ENTITLED

AN ACT

relating to water conservation.

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

SECTION 1. Chapter 10, Water Code, is amended by adding Section 10.0021 to read as follows:

Sec. 10.0021. SUNSET PROVISION. The Water Conservation Advisory Council is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the council is abolished and this chapter expires September 1, 2023.

SECTION 2. Section 10.011, Water Code, is amended to read as follows:

Sec. 10.011. REPORT. Not later than December 1 of each even-numbered year, the council shall submit to the governor, lieutenant governor, and speaker of the house of representatives a report on progress made in water conservation in this state. The report must include specific statutory, budgetary, and policy recommendations to improve water conservation and management.

SECTION 3. Section 16.0121, Water Code, is amended by adding Subsections (g) and (h) to read as follows:

(g) A retail public utility providing potable water that receives from the board financial assistance shall use a portion of that financial assistance, or any additional financial assistance provided by the board for the purpose described by this subsection,

1 to mitigate the utility's system water loss if, based on a water  
2 audit filed by the utility under this section, the water loss meets  
3 or exceeds the threshold established by board rule.

4 (h) For each category of retail public utility listed in  
5 Subsection (c), the board shall adopt rules regarding:

6 (1) the amount of system water loss that requires a  
7 utility to take action under Subsection (g); and

8 (2) the use of financial assistance from the board as  
9 required by Subsection (g) to mitigate system water loss.

10 SECTION 4. Subsection (h), Section 16.055, Water Code, is  
11 amended to read as follows:

12 (h) On receipt of the notice under Subsection (g)(2)(B), a  
13 ~~[the]~~ person or entity required to develop a drought contingency  
14 plan shall immediately implement the person's or entity's ~~[water~~  
15 ~~conservation plan or drought contingency]~~ plan.

16 SECTION 5. Section 17.124, Water Code, is amended to read as  
17 follows:

18 Sec. 17.124. CONSIDERATIONS IN PASSING ON APPLICATIONS. In  
19 passing on an application from a political subdivision for  
20 financial assistance for a water supply project, the board shall  
21 consider:

22 (1) the needs of the area to be served by the water  
23 supply project, the benefit of the water supply project to the area,  
24 the relationship of the water supply project to the overall,  
25 statewide water needs, and the relationship of the water supply  
26 project to the state water plan; ~~[and]~~

27 (2) the availability of revenue to the political

subdivision, from all sources, for the ultimate repayment of the cost of the water supply project, including interest; and

(3) whether the political subdivision has implemented its drought contingency plan when required.

SECTION 6. Subsection (g), Section 16.0121, Water Code, as added by this Act, applies only to system water loss based on a water audit filed with the Texas Water Development Board under Section 16.0121, Water Code, on or after January 1, 2014.

SECTION 7. Not later than January 1, 2014, the Texas Water Development Board shall adopt rules to implement Subsection (h), Section 16.0121, Water Code, as added by this Act.

SECTION 8. Section 17.124, Water Code, as amended by this Act, applies only to the consideration of whether a political subdivision has implemented its drought contingency plan on or after the effective date of this Act.

SECTION 9. This Act takes effect September 1, 2013.