

1-1 By: Hegar S.B. No. 1169
1-2 (In the Senate - Filed March 5, 2013; March 12, 2013, read
1-3 first time and referred to Committee on Natural Resources;
1-4 March 27, 2013, reported favorably by the following vote: Yeas 10,
1-5 Nays 0; March 27, 2013, sent to printer.)

1-6 COMMITTEE VOTE

1-7	Yea	Nay	Absent	PNV
1-8	Fraser	X		
1-9	Estes	X		
1-10	Deuell	X		
1-11	Duncan	X		
1-12	Ellis	X		
1-13	Eltife	X		
1-14	Hegar	X		
1-15	Hinojosa	X		
1-16	Nichols	X		
1-17	Seliger	X		
1-18	Uresti		X	

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

1-21 relating to water conservation.
1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-23 SECTION 1. Chapter 10, Water Code, is amended by adding
1-24 Section 10.0021 to read as follows:
1-25 Sec. 10.0021. SUNSET PROVISION. The Water Conservation
1-26 Advisory Council is subject to Chapter 325, Government Code (Texas
1-27 Sunset Act). Unless continued in existence as provided by that
1-28 chapter, the council is abolished and this chapter expires
1-29 September 1, 2023.
1-30 SECTION 2. Section 10.011, Water Code, is amended to read as
1-31 follows:
1-32 Sec. 10.011. REPORT. Not later than December 1 of each
1-33 even-numbered year, the council shall submit to the governor,
1-34 lieutenant governor, and speaker of the house of representatives a
1-35 report on progress made in water conservation in this state. The
1-36 report must include specific statutory, budgetary, and policy
1-37 recommendations to improve water conservation and management.
1-38 SECTION 3. Section 16.0121, Water Code, is amended by
1-39 adding Subsections (g) and (h) to read as follows:
1-40 (g) A retail public utility providing potable water that
1-41 receives from the board financial assistance shall use a portion of
1-42 that financial assistance, or any additional financial assistance
1-43 provided by the board for the purpose described by this subsection,
1-44 to mitigate the utility's system water loss if, based on a water
1-45 audit filed by the utility under this section, the water loss meets
1-46 or exceeds the threshold established by board rule.
1-47 (h) For each category of retail public utility listed in
1-48 Subsection (c), the board shall adopt rules regarding:
1-49 (1) the amount of system water loss that requires a
1-50 utility to take action under Subsection (g); and
1-51 (2) the use of financial assistance from the board as
1-52 required by Subsection (g) to mitigate system water loss.
1-53 SECTION 4. Subsection (h), Section 16.055, Water Code, is
1-54 amended to read as follows:
1-55 (h) On receipt of the notice under Subsection (g)(2)(B), a
1-56 [the] person or entity required to develop a drought contingency
1-57 plan shall immediately implement the person's or entity's [water
1-58 conservation plan or drought contingency] plan.
1-59 SECTION 5. Section 17.124, Water Code, is amended to read as
1-60 follows:
1-61 Sec. 17.124. CONSIDERATIONS IN PASSING ON APPLICATIONS. In

2-1 passing on an application from a political subdivision for
 2-2 financial assistance for a water supply project, the board shall
 2-3 consider:

2-4 (1) the needs of the area to be served by the water
 2-5 supply project, the benefit of the water supply project to the area,
 2-6 the relationship of the water supply project to the overall,
 2-7 statewide water needs, and the relationship of the water supply
 2-8 project to the state water plan; ~~and~~

2-9 (2) the availability of revenue to the political
 2-10 subdivision, from all sources, for the ultimate repayment of the
 2-11 cost of the water supply project, including interest; and

2-12 (3) whether the political subdivision has implemented
 2-13 its drought contingency plan when required.

2-14 SECTION 6. Subsection (g), Section 16.0121, Water Code, as
 2-15 added by this Act, applies only to system water loss based on a
 2-16 water audit filed with the Texas Water Development Board under
 2-17 Section 16.0121, Water Code, on or after January 1, 2014.

2-18 SECTION 7. Not later than January 1, 2014, the Texas Water
 2-19 Development Board shall adopt rules to implement Subsection (h),
 2-20 Section 16.0121, Water Code, as added by this Act.

2-21 SECTION 8. Section 17.124, Water Code, as amended by this
 2-22 Act, applies only to the consideration of whether a political
 2-23 subdivision has implemented its drought contingency plan on or
 2-24 after the effective date of this Act.

2-25 SECTION 9. This Act takes effect September 1, 2013.

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