

By: King of Uvalde

H.B. No. 3717

A BILL TO BE ENTITLED

AN ACT

relating to programs to provide incentives for conserving water in outdoor landscapes.

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

SECTION 1. Title 3, Agriculture Code, is amended by adding Chapter 46A to read as follows:

CHAPTER 46A. LANDSCAPE AND IRRIGATION INCENTIVE PROGRAMS

Sec. 46A.001. DEFINITIONS. In this chapter:

(1) "Evapotranspiration" means the loss of water to evaporation and plant transpiration.

(2) "Governmental entity" means a state agency or political subdivision.

(3) "Irrigation application" means the duration, frequency, and time of irrigation.

(4) "Landscape incentive program" means a program that provides monetary incentives to encourage the replacement of a lawn with landscaping that requires less water to maintain than the existing lawn, such as landscaping that includes drought-resistant plants.

(5) "Retail public utility" has the meaning assigned by Section 13.002, Water Code.

Sec. 46A.002. DEPARTMENT LISTS OF PLANTS AND LANDSCAPE INCENTIVE PROGRAMS. (a) The department shall establish, maintain, and publish a list of publicly funded programs in this state that

1 encourage the replacement of a lawn with landscaping that requires
2 less water to maintain than the existing lawn.

3 (b) A governmental entity or retail public utility that
4 operates a landscape incentive program that is wholly or partly
5 funded with public money shall register the program with the
6 department for inclusion on the list described by Subsection (a).

7 (c) To provide information for administrators of and
8 participants in landscape incentive programs in this state, the
9 department shall establish, maintain, and publish for each type of
10 climate in this state a list of types of grasses and other plants
11 that the department determines can sustain healthy growth in that
12 climate with minimal irrigation.

13 (d) The department may adopt rules as necessary to implement
14 this section.

15 Sec. 46A.003. IRRIGATION INCENTIVE PROGRAMS. A
16 governmental entity or retail public utility that operates a
17 landscape incentive program that is wholly or partly funded with
18 public money may, except as otherwise provided by other law,
19 provide as part of the program monetary incentives for the purchase
20 and installation of irrigation or sprinkler controllers that make
21 periodic adjustments to irrigation applications based on weather
22 conditions, evapotranspiration rates, and soil moisture levels for
23 the purpose of conserving water by applying irrigation only in an
24 amount necessary to sustain the healthy growth of the irrigated
25 plants, such as:

26 (1) evapotranspiration-based controllers;

27 (2) smart irrigation controllers;

1 (3) smart sprinkler controllers; and

2 (4) weather-based irrigation controllers.

3 SECTION 2. This Act takes effect September 1, 2017.