

Overview of Bills Related to or Affecting Water Conservation – Regular Session, 85th Texas Legislature – as of May 31, 2017

Bills Related to Legislative Recommendations of the Water Conservation Advisory Council:

HB 1573 (Price/Creighton) – passed both houses & has been sent to the Governor

“Relating to personnel requirements for water loss auditors” - this legislation incorporates the WCAC legislative recommendation that the person who conducts a water audit that a utility is required to be prepared and submitted to the Texas Water Development Board (TWDB) should be trained in water loss auditing – the bill includes the following directive to TWDB:

(j) The board shall make training on water loss auditing available without charge from the board 's website. The board may provide training in person or by video or a functionally similar and widely available medium. Training provided under this subsection must include comprehensive knowledge of water utility systems and terminology and any tools available for analyzing audit results. In creating training materials, the board may consider other organizations' training programs.

HB 1648 (Price/Seliger) – passed both houses & has been signed by the Governor – takes effect 9/1/2017

“Relating to the designation of a water conservation coordinator by a retail public water utility to implement a water conservation plan” – this legislation incorporates the WCAC legislative recommendation for the designation of such a coordinator – the bill as filed called for the designation of an “employee” as the coordinator – but due to concerns expressed by certain municipal utility districts without employees the word “person” was substituted for “employee” – the requirement applies only to retail public water utilities providing potable water service to 3300 or more connections – the coordinator must be identified in writing to TWDB

HB 2240 (Lucio III) – introduced, heard, and favorably reported from the House Natural Resources Committee, but the bill was not set on the House Calendar before the session ended; there was no Senate companion bill so the legislation did not pass

“Relating to a requirement that certain recipients of financial assistance from the Water Development Board adopt certain restrictions on water use by their customers” – this legislation incorporated the WCAC legislative recommendation that certain recipients of state financial assistance for water projects have “time-of-day” limitations on outdoor watering as a condition of that assistance – although the bill received a unanimous vote in the House committee and was characterized by House Natural Resources Committee Chairman Larson as “a great bill,” the bill did not make it out of the House Calendars Committee in the last few weeks of the session

SB 1511 (Perry/Price) – passed both houses and sent to the Governor

“Relating to the state and regional water planning process and the funding of projects included in the state water plan” – this bill is primarily a reflection of interim study recommendations from the Senate Committee on Agriculture, Water & Rural Affairs – but the bill also includes the WCAC legislative recommendation that a representative of the State Soil & Water Conservation Board serve as an ex officio member of each of the 16 regional water planning groups

Other Water Conservation-Related Bills or Provisions of Bills Affecting Water Conservation:

HB 965 (Springer/Perry) – passed both houses & has been signed by the Governor – in effect now (as of 5/29/2017)

“Relating to the authority of a retail public water utility to require an operator of a correctional facility to comply with water conservation measures” – the bill adds a new subsection to the Water Code that reads as follows:

Sec.13.1461. CORRECTIONAL FACILITY COMPLIANCE WITH CONSERVATION MEASURES. (a) This section applies only to a correctional facility operated by the Texas Department of Criminal Justice or operated under contract with that department. (b) Except as provided by Subsection (c), a retail public utility may require the operator of a correctional facility that receives retail water or sewer utility service from the retail public utility to comply with water conservation measures adopted or implemented by the retail public utility. (c) A correctional facility is not required to comply with a water conservation measure under Subsection (b) if the operator of the correctional facility submits to the retail public utility a written statement from the Texas Department of Criminal Justice that states that the measure would endanger health and safety at the facility or unreasonably increase the costs of operating the facility. (d) If a retail public utility suspends a water conservation measure and later implements the same measure, the operator of a correctional facility that received an exemption from the original measure under Subsection (c) must submit a new written statement from the Texas Department of Criminal Justice to obtain an exemption under Subsection (c) from the newly implemented measure.

SB 1172 (Perry/Geren) – passed both houses & sent to the Governor

“Relating to the regulation of seed by a political subdivision” – this bill pre-empts a political subdivision (municipality, county, etc.) from regulating seeds, including planting seed and cultivating plants grown from seed – there was concern that this broad pre-emption might interfere with mandatory limitations on outdoor landscape watering as part of a drought contingency program or water conservation program – so language was added saying, in part:

(c) political subdivision may take any action otherwise prohibited by this section to: (4) implement a: (A) water conservation plan; (B) drought contingency plan; or (C) voluntary program as part of a conservation water management strategy included in the applicable regional water plan or state water plan.