

SUBJECT: Requiring water conservation measures in certain correctional facilities

COMMITTEE: Natural Resources — committee substitute recommended

VOTE: 11 ayes — Larson, Phelan, Ashby, Burns, Frank, Kacal, T. King, Lucio, Nevárez, Price, Workman

0 nays

WITNESSES: For — (*Registered, but did not testify:* Kate Zerrenner, Environmental Defense Fund; Myron Hess, National Wildlife Federation; Christopher Mullins, Sierra Club Lone Star Chapter; Jess Heck, SouthWest Water Company; Joshua Houston, Texas Impact)

Against — None

On — Bryan Collier, Texas Department of Criminal Justice

BACKGROUND: Under Water Code, sec. 13.146, the Texas Commission on Environmental Quality must require a retail public utility that provides potable water services to 3,300 or more connections to submit a water conservation plan or other water conservation strategies to the Texas Water Development Board. Some parties have observed that, particularly in drought conditions, correctional facilities use a substantial amount of water but need not adhere to the same conservation measures as area businesses or residents.

DIGEST: CSHB 965 would allow a retail public utility to require the operator of a correctional facility receiving the utility's water or sewer services to comply with the utility's water conservation measures. The bill would apply only to a correctional facility operated by or under contract with the Texas Department of Criminal Justice.

A correctional facility would not be required to comply with a new or renewed water conservation measure if the operator submitted to the utility a written statement from the department stating that the measure

would endanger health and safety or unreasonably increase operating costs.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

NOTES:

The committee substitute differs from the filed in that CSHB 965 would:

- apply only to a correctional facility operated by or under contract with the Texas Department of Criminal Justice; and
- exempt a correctional facility from complying with a water conservation measure that the department reported would endanger health and safety or increase costs unreasonably.