2015 TPSC Legislative Updates:

Legislative Updates
During the 2015 Legislature the TPSC team of lobbyists and volunteers watched, reviewed and reacted to a wide variety of bills.

Water
Since Texas was strangled by a drought prior to the beginning and during most of this legislative session, one of the issues that TPSC watched was water. We tracked several bills to try to avoid issues that might be destructive to pool and spa businesses or pool/spa owners in Texas. At this point, probably the basic interpretation that we should understand is that the bills that became effective may help us avoid all the negative effects of the next drought, but it will probably also mean that the cost of water will go up.

HB 30 Larson
Relating to the development of brackish groundwater as a resource.
Sent to the Governor - Effective 06/19/2015
To study opportunities for the development of desalination plants for brackish groundwater.

HB 655 Larson
Relating to storage and recovery of water in aquifers.
Sent to Governor - Effective 06/16/2015
Encourages development of Aquifer Storage and Recovery systems in Texas
To save evaporation and transfer flood waters to aquifers.

HB 2031 Lucio III
Relating to the development and production of marine seawater desalination, integrated marine seawater desalination and facilities for the storage, conveyance and delivery of desalinated marine seawater.
Sent to the Governor - Effective 06/17/2015

SB 1588-Estes
Management of water resources- localities can purchase & manage local resources
Left in Committee
HB 1228- Lucio III
Local Government Code, a municipality may not use the revenue of a utility system, park, [or] swimming pool, or water conservation infrastructure to pay any other debt, expense, or obligation of the municipality until the debt secured by the revenue is finally paid.
Left in Committee

HB 1902- Howard
Use of graywater- a residence can use up to 400 gallons/day of graywater for landscaping, etc.
Sent to Governor- Effective 06/16/2015
We don’t see negative effects of this bill- but the bill does name swimming pool backwash and drain water as “Alternative Onsite Water”. We need to watch for unexpected consequences in future sessions.

Franchise Tax
HB 32- Bonnen
Reduction in Franchise Tax Rate
Sent to Governor- Effective 01/01/2016
Cut in Franchise Tax rate by 25% across the board for all businesses.
Trigger for Tax is still $1 million

Public Nuisance Pools
SB 1019 Creighton
HB 1643 Riddle-
Public nuisance pools- Sent to Governor- Effective 06/15/2015
(d-1) Subsections (c)(3) and (4) do not apply to undeveloped land for which:
   (1) a condition on that land has not been found to cause a public nuisance under those provisions for at least one year; and
   (2) a finding of public nuisance could not have been applied to that condition when the condition first occurred.
The changes seem to focus on mosquito infested areas. It is probably good for public health issues.

Licensing
SB 953- Birdwell-HB 2355 Huberty
(24) a person who sells or offers to sell a sign that requires electrical work or electrical sign work in connection with the construction or installation of the sign if the person does not perform that electrical work or electrical sign work.
Both bills left pending in committee.
This allows someone to offer to sell a sign without an electrical license- if we did the same thing, service people could offer to sell a pump without an electrical license- although retailers do this every day, currently. It appears that this has been written because TDLR has been targeting Sign companies.

**HB 1077- Kuempel**- Changes to the Advisory board- adding one master sign electrician member and reduce public members to 2 from 3. 
This bill signed by the Governor- effective 9/1/15. The pool industry should work for a place on the Advisory board for 2017. 
We have asked to have a Residential Appliance Installer added to the Board.

**HB 2465- Smith**
*Postponed- I see this as a potential threat.*
Does not reference swimming pools construction or repair- but it also does not exempt them- should we try to add an exemption? This bill adds licensed plumbers to be required for some rainwater collection.

**S.B1080-Eltife**
*Authority of the Texas Department of Licensing and Regulation to determine applicant eligibility for a license and to discipline license holders.*
Sec.A51.3514.ORDER FOR REFUND OR SERVICE. (a)The commission or the executive director, instead of or in addition to imposing an administrative penalty or other sanction, may order a license holder to pay a refund to a consumer or to perform for the consumer a service consistent with the regulatory program for which the license was issued.
*Left In Committee- did not survive that last few days of the session.*

**Energy Efficiency**
**HB 1736-Villalba**
Relating to building energy efficiency performance standards- 
This bill has had some amendments (especially from the Senate)- but it appears headed for the Governor’s desk. 
*Sent to the Governor- Effective 06/15/2015*
The pool industry should plan to address liquid covers with the State Energy Conservation Office when it is established within the next six months to a year.

**SB 929-Fraser**
*Relating to building energy efficiency performance standards; establishing the Building Energy Efficiency Advisory Committee*
*Left in Committee*
Commercial Pool Operation
SB 1324- Menendez
HB 2430-Kuempel
(l-1) Rules adopted under this chapter may not prohibit the consumption of food or beverages in a public swimming pool that is privately owned and operated. This could be an issue for operators that contract with public pools to operate the concessions and provide lifeguards. It would potentially reduce revenues. APEC was not involved with this bill, but was monitoring it.
HB Sent to the Governor- probably good for the consumer.

HB 3679- Munoz, Jr.
LIFEGUARD CERTIFICATION.
Expect a change for 2017- This is likely to affect HOA with pools. The intention is to increase training for drowning risk to reduce the drownings in lifeguarded pools.
This bill was pulled. A substitute should be expected in the next legislative session. Commercial pool operators are aware and involved.

This document is prepared for reading and discussion only. It is not an official representation of the Senate and House legislation under consideration.