

CHAPTER 642

S.B. No. 814

AN ACT

relating to the xeriscape landscaping of state buildings and roadside parks, to the establishment of a xeriscape assistance program, and to county and municipal xeriscape assistance.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Article 5, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 5.321 to read as follows:

Sec. 5.321. XERISCAPE REQUIREMENTS. (a) In this section, "xeriscape" means a landscaping method that maximizes the conservation of water by using site-appropriate plants and efficient water use techniques. The term includes planning and design, appropriate choice of plants, soil analysis, soil improvement using compost, efficient and appropriate irrigation, practical use of turf, appropriate use of mulches, and proper maintenance.

(b) The commission, in consultation with the Texas Natural Resource Conservation Commission, the Texas Department of Transportation, and the Industry Advisory Committee created in Subsection (e) of this section by rule shall adopt guidelines for the required use of xeriscape on state property associated with state-owned buildings or structures or facilities appurtenant thereto on which construction begins on or after January 1, 1994. The commission shall develop a five-year program for phasing in the use of xeriscape on state

property associated with state-owned buildings or structures or facilities appurtenant thereto on which construction has begun before January 1, 1994.

(c) Any construction of a new state building included in the exceptions prescribed by Section 5.13 of this article is not exempt from this section. This section applies to state property associated with state-owned buildings or structures or facilities appurtenant thereto on which construction begins on or after January 1, 1994, that are constructed by or for a state agency, including an agency exempted under Section 5.13 of this article.

(d) The guidelines adopted under this section must:

(1) establish standards for landscape design, installation, and maintenance that result in water conservation, including the use of appropriate plants, soil analysis, compost, efficient irrigation systems, and other water-conserving practices;

(2) identify desirable plant species;

(3) specify the maximum percentage of turf and the maximum percentage of impervious surface allowed in a xeriscaped area;

(4) establish standards for selection and installation of turf;

(5) establish standards for land clearing;

(6) require preservation of existing native vegetation that has been identified as desirable; and

(7) establish a monitoring program to ensure implementation of and compliance with the requirements of this section.

(e) The Industry Advisory Committee is created and is composed of nine members who are Texas residents appointed by the commission. Three members shall be nursery product growers, three members shall be turf growers, and three members shall be landscape contractors. The appointments shall be made from a list of recommendations submitted to the commission by the Texas Association of Nurserymen for the nursery product growers, the Texas Turf Association for the turf growers, and the Texas Association of Landscape Contractors for the landscape contractors. Appointments are for staggered three-year terms arranged so that one appointee from each group is appointed each year. The appointments to the Industry Advisory Committee shall be reflective of the gender and ethnic diversity of the State of Texas.

SECTION 2. Title 116, Revised Statutes, is amended by adding Article 6674i-4 to read as follows:

Art. 6674i-4. XERISCAPE REQUIREMENTS

Sec. 1. DEFINITIONS. *In this article:*

(1) "Department" means the Texas Department of Transportation.

(2) "Roadside parks" includes rest areas, picnic areas, welcome stations, or other facilities that are provided for the convenience of the traveling public and that are within or adjacent to a highway right-of-way and are under the jurisdiction of the department.

(3) "Xeriscape" has the meaning assigned by Section 5.321, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), and its subsequent amendments.

Sec. 2. XERISCAPE REQUIREMENTS. *(a) The department shall use and require the use of xeriscape practices in the construction and maintenance of all roadside parks acquired or on which construction begins on or after January 1, 1994.*

(b) The department shall develop a five-year program for phasing in the use of xeriscape practices, including the use of compost, in roadside parks acquired or on which construction has begun before January 1, 1994.

(c) In implementing this section, the department shall follow the guidelines adopted under Section 5.321, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), and its subsequent amendments.

SECTION 3. Chapter 430, Local Government Code, is amended by adding Section 430.002 to read as follows:

Sec. 430.002. CONSIDERATION OF XERISCAPE ORDINANCES. The governing body of each municipality and county may consider enacting orders or ordinances, as appropriate, requiring the use of xeriscape to conserve water. If the governing body determines that the water conservation benefits of the required use of xeriscape would be significant relative to the cost of implementing that use, the governing body may adopt a xeriscape order or ordinance, as appropriate.

SECTION 4. Subtitle B, Title 5, Health and Safety Code, is amended by adding Chapter 373 to read as follows:

CHAPTER 373. WATER CONSERVATION

Sec. 373.001. XERISCAPE ASSISTANCE PROGRAM. (a) The board on request shall assist counties and municipalities by providing a model xeriscape code and other technical assistance.

(b) The board shall work with counties and municipalities to promote, through educational programs and publications, the use of xeriscape practices, including the use of compost, in existing residential and commercial development.

(c) In this section:

(1) "Board" means the Texas Water Development Board.

(2) "Xeriscape" has the meaning assigned by Section 5.321, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes).

SECTION 5. (a) The General Services Commission shall appoint the Industry Advisory Committee created under Section 5.321, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as added by this Act, as soon as practicable after the effective date of this Act, shall adopt the guidelines required by that section not later than December 1, 1993, and shall establish the phase-in program required by that section as soon as practicable after the adoption of the guidelines.

(b) The Texas Department of Transportation shall establish the phase-in program required by Article 6674i-4, Revised Statutes, as added by this Act, as soon as practicable after the adoption of guidelines under Section 5.321, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as added by this Act.

SECTION 6. This Act takes effect September 1, 1993.

SECTION 7. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 22, 1993, by a viva-voce vote; passed the House on May 26, 1993, by a non-record vote.

Approved June 13, 1993.

Effective Sept. 1, 1993.