

**WATER LAW IN THE 80TH LEGISLATURE
AND LOOKING FORWARD TO THE 81ST**

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State Bar of Texas

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CHAPTER 8



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He is also the Administrator and Host of the MCTEXLAW REAL ESTATE E-MAIL DISCUSSION GROUP, an E-mail based discussion group for professionals in the Texas real estate industry, with approximately 139 members as of May 31, 2007. Free subscriptions are available to qualified individuals upon request to mark@mctexlaw.com

Mr. McPherson received his J.D. from Washington & Lee University School of Law (1990) and his B.S., *cum laude*, in Political Science from Belmont University (1987).

TABLE OF CONTENTS

I. THE 80th LEGISLATURE’S WATER LAW LEGACY.....1

 A. An Overview of the 80th Legislature1

 B. An Overview of Water Bills in the 80th Legislature1

 C. The Water Trifecta: Hb 3/hb 4/sb 3.....1

 D. The Players2

II. LOOKING FORWARD TO WATER LAW IN THE 81st LEGISLATURE2

 A. Interim Charges2

 B. Five Future Trends And One Wild Card.....2

III. CONCLUSION AND CREDITS.....6

APPENDIX A: Water Legislation Passed by the 80th Legislature

 I. Introduction7

 II. Effective Dates7

 III. Acknowledgments7

 IV. Internet Access7

 V. Summaries of New Legislation7

 Health and Safety Code.....7

 Local Government Code7

 Auxiliary Water Laws9

 Special District Local Laws Code.....9

 Water Code10

 Title 1. General Provisions10

 Title 2. Water Administration11

 Title 4. General Law Districts17

 Other Legislative Acts22

APPENDIX B: Special District Local Laws Code and Other Local Laws23

RELACs COMMITTEE ROSTER45

APPENDIX C: Identifying the Water Law Players46

 Legislators Ranked by Number of Bills Authored and Sponsored46

 “Nay” Votes on the Water Trifecta Bills48

 List of House and Senate Natural Resources Committee Members49

APPENDIX D: Interim Charges.....50

 House Committee on Energy Resources50

 House Committee on Natural Resources50

 Senate Intergovernmental Relations Committee50

 Senate Intergovernmental Relations Committee, Subcommittee on Flooding and Evacuations51

 Senate Jurisprudence Committee51

 Senate Natural Resources Committee51

I. THE 80th LEGISLATURE’S WATER LAW LEGACY

A. AN OVERVIEW OF THE 80th LEGISLATURE

Every legislative session, the Real Estate Legislative Affairs Committee (RELACs), a standing committee of the Real Estate, Probate and Trust Law Section (REPTL) of the State Bar of Texas, monitors bills filed and passed that relate to real estate, lending and other commercial matters. At the end of each session, RELACs produces a final report summarizing the monitored bills that passed. This session’s RELACs Member Roster is at the end of Appendix A. These hard working Texas lawyers identified and tracked 2,193 bills in the 80th Legislature. I Chaired RELACs for the 79th and 80th Legislatures, which provided me with a “bird’s eye” view of the statutory changes discussed in this paper and in prior papers related to this same subject.

Based on information reported by the Texas Legislative Service, overall the 80th Legislature’s Regular Session compares to the 79th Legislature’s Regular Session as follows:

Session:	80th (2007)	79th (2005)
HB Filed	4,140	3,592
HB Passed	953	876
SB Filed	2,058	1,892
SB Passed	525	512
HJR Filed	108	102
HJR Passed	10	5
SJR Filed	68	54
SJR Passed	7	4
TOTAL FILED	6,374	5,640
TOTAL PASSED	1,495	1,397
Percent of Filed that Passed	23.45%	24.77%

These figures show that, even with the end-of-session political wrangling in the House over Tom Craddick’s position as Speaker, and Lieutenant Governor Dewhurst’s glacial administrative pace in the Senate, the 80th Legislature still managed to have a fairly average Regular Session.

Appendix A of this paper contains excerpts from the full RELACs report on the 80th Legislature’s regular session. To view and download the entire RELACs report, please visit the REPTL website:

www.reptl.org

It is also posted and available for download on my law firm’s website, along with this paper and other 2007 legislation information, at:

www.mctexlaw.com/2007legislation.asp

To the excerpts from that report, for this paper I added summaries of 16 House Bills and 8 Senate Bills, so that this paper includes every bill that affected the Water Code passed in the 80th Legislature’s regular session.

B. AN OVERVIEW OF WATER BILLS IN THE 80th LEGISLATURE

In the 79th Legislature’s regular session, by my count the Texas Water Code was affected 260 times by 41 different bills. In the 80th Legislature, RELACs tracked 159 bills affecting the Water Code, of which 45 were included in the final report. By way of comparison, the 80th Legislature passed (and this paper summarizes) 54 bills affecting the Water Code, an increase of approximately 35%.

I was able to identify 8 trends in the water legislation passed in the 79th Legislature’s regular session. However, in comparison the 80th Legislature’s water law legacy seems to be more haphazard. Few if any “categories” or trends would contain more than 2 bills, despite the increase in the overall number of bills passed.

At the beginning of the session, many pundits predicted that this session would be known as the “environmental session” due to the number and impact of water and environmental bills expected to pass, combined with the idea that there were no other more pressing needs to address. Three bills dominated the press coverage of water rights in the 80th Legislature: House Bill 3, House Bill 4 and Senate Bill 3. However, continuing conflict throughout the session over who should be speaker of the House of Representatives, coupled with a conflict in the Senate late in the session over a voter identification bill, almost prevented passage of these three most important bills.

C. THE WATER TRIFECTA: HB 3/HB 4/SB 3

HB 3/SB 3 creates a series of advisory groups, teams and committees charged with determining how to

balance demand for water with the natural environmental requirements of our state riverine, bay and estuary systems. The top-level advisory group, labeled the “Environmental Flows Advisory Group,” is to issue a report of their activities and recommendations in the December prior to each regular legislative session, presumably so that the Legislature can enact laws implementing those recommendations.

These bills also will affect how the Texas Commission on Environmental Quality (TCEQ) makes decisions regarding certain permits. From a very broad perspective, these bills begin to take into account the fact that it is unwise to consume all of the water resources in our state. Some resources must be saved in order to preserve the overall environmental system. However, denying ourselves today in order to reap a benefit later is not a politically popular idea.

The save-some-for-tomorrow concept is generally implemented on a practical level through the TCEQ’s permitting process. This bill requires the TCEQ to consider more factors in issuing and modifying certain permits, and it allows the TCEQ to make certain unilateral changes to issued permits as scientifically-determined environmental needs dictate. Among other things, for example, this bill requires the TCEQ to adopt environmental flow standards for each river basin and bay system. These standards are to be those necessary to support a sound ecological environment, and to establish and set aside an amount of unappropriated water to satisfy environmental flow standards. The TCEQ must also establish procedures to implement an adjustment of the conditions included in a permit or amended water right. The TCEQ is then prohibited from issuing or amending permits inapposite to these new standards.

HB 4 creates a Water Conservation Advisory Council (WCAC). The WCAC is to monitor water conservation trends and technologies, regularly report to the Legislature its monitoring conclusions, and implement a statewide water conservation public awareness program.

However, it then provides that the TCEQ must require a retail public utility with 3,300 or more connections to submit to the WCAC a water conservation plan based on specific targets and goals, and using appropriate best management practices or other water conservation strategies. These retail public utilities must report annually to the WCAC on their respective progress in implementing the conservation plan. The WCAC and the TCEQ must jointly adopt rules to: (1) identify the minimum requirements and submission

deadlines for these water conservation plans; and (2) provide for the enforcement of this new law and the jointly adopted rules.

Other parts of this bill deal specifically with a rainwater harvesting. Rainwater harvesting is a process in which rain is collected and stored, often captured from the roof of a structure and deposited into a cistern, where it is then used in and around the structure for non-potable and/or landscaping uses. Based on the author’s personal experience, this appears to be a rather popular water conservation plan around the Carribean; however, our much drier Texas climate (i.e. drought) will make this strategy much more challenging.

One aspect of HB 3 that received significant press during the session was the section designating future reservoir sites. The conference committee on SB 3 struck the language in the bill naming the 19 sites where future reservoirs may be built, and substituted a paragraph stating that unique reservoir sites are determined by the state water plan. Any ideas on where the 19 future reservoir sites came from in the first place? They were determined and identified in the state water plan.

History may prove these to be some of the most significant bills passed by the 80th Legislature. However, as of May, 2008, they are filled more with future potential than immediate effect, with a few more political intersections in the future. The study groups must do their work, and produce the anticipated, scientifically based recommendations, and future legislatures and regulatory agencies must enact those recommendations.

If ever there was an area of the law that needed statesmanship, water is it. The big question for the future is to what extent personal politics will triumph over the scientifically determined best practices for the state as a whole. Until those concerns are answered, these bills are best considered as prime examples of the continuing march toward more centralized control over state water resources, and a renewed focus on conservation as we try to find ways to use less water per person in the future than we do today.

D. THE PLAYERS

It is practically meaningless to try to evaluate actual votes for or against bills and come to some conclusion as to whether that legislator is active in the water law area. The Texas legislative process is designed to make it very difficult to pass bills that have opposition, so most that pass do so unanimously. Nevertheless, some meaning can be drawn from

identifying the legislators who either authored or sponsored a bill in this area. Generally, these individuals carried legislation and led the efforts to pass these bills. Therefore, attached as Appendix C is a table listing the legislators who have either authored or sponsored a bill listed in Appendix A of this report, along with the number of bills authored and sponsored by that legislator. Within “tie” rankings, the number of bills authored was preferred over the number of bills sponsored.

Other important players in the water law area can be identified by reviewing the members of the committees most likely to review bills involving water issues. These committees are the House Natural Resources Committee and the Senate Natural Resources Committee. The members of these committees for the 80th Legislature are listed in Appendix C.

The Water Trifecta drew some “nay” votes and the legislators voting against each of those bills are also listed in Appendix C. Some may be tempted to draw some inferences from these votes. However, it is the author’s experience that water is generally not a party (Democrat/Republican) issue. Disputes over (and votes on) water-related bills seem to more often occur based on whether an area has more or less water resources than needed for that area. Those with excess resources are naturally opposed to those in need of and seeking additional water supplies from their excess.

Specifically considering the Water Trifecta, areas of the state with water (in this case East Texas) lined up against the areas of the state seeking to obtain that water (Dallas-Fort Worth). It is fairly common for our urban and suburban population centers, with the corresponding need for greater volumes of water, to be adverse in the legislature to the rural areas of the state that have more water and a smaller population. As a result, few conclusions should be reached about legislators’ influence in the water law area based on their “nay” votes on the Water Trifecta bills because there are other factors at issue.

II. LOOKING FORWARD TO WATER LAW IN THE 81ST LEGISLATURE

A. INTERIM CHARGES

The work undertaken by legislators and their staff in response to interim charges often produce legislation in future sessions. Attached as Appendix D is a list of the 80th Legislature’s interim charges issued to the House and Senate, by committee, that involve water issues. As is evident, most of these charges were issued

to the House Natural Resources Committee and Senate Natural Resources Committee.

The House Natural Resources Committee has held two hearings on its interim charges. The hearing on January 15, 2008, lasted over 5 hours, and the hearing on January 23, 2008, lasted just under 4 hours. The Senate Natural Resources Committee has held one hearing on its interim charges. The hearing on April 8, 2008, lasted over 3 hours. All of these hearings are available for viewing on the respective committee’s Internet page. Additional future hearings on interim charges by both committees are expected.

B. FIVE FUTURE TRENDS AND ONE WILD CARD

For purposes of this section of the paper it is necessary to take the “crystal ball” approach to identify significant water-related legislation likely to be considered by the 81st Legislature and those in the future. For this reason, this paper requires the following **DISCLAIMER: THE WRITER HAS NO IDEA WHAT THE TEXAS LEGISLATURE WILL ACTUALLY DO. PROBABILITIES, PREDILECTIONS, ADDICTIONS, AND SUCH ARE DIFFICULT ENOUGH TO RECOGNIZE WITHOUT ANY ADDED PRESSURE TO ACTUALLY BE CORRECT. NOTHING IN THIS PAPER MAY BE USED AGAINST THE AUTHOR IN ANY MANNER OR FOR ANY REASON WHATSOEVER. YOU SHOULD CAUSE THE DESTRUCTION OF THIS PAPER AS SOON AS THE 81ST LEGISLATIVE SESSION IS CONCLUDED IN MAY OF 2009.**

With that caveat, I have developed five future water related trends that, in my opinion, we will see addressed in the 81st and future legislatures. Please keep in mind as you read this that it is merely one person’s opinion as to probabilities.

1. Increasing Conservation Requirements

My comments on this trend are focused on, and limited to, municipal water use (speaking non-technically, urban and suburban residential, commercial and industrial use). According to the 2007 State Water Plan adopted by the Texas Water Development Board (TWDB), Texas’ population is projected to grow from 20,851,790 in 2000 to 45,558,282 in 2060. Within this statistic, 43 counties and 297 cities are expected to at least double their population, with 45 counties and 137 cities projected to lose population or remain the same. All others are expected to grow slightly. The vast majority of this growth will occur in urban and suburban areas, and will be serviced by a municipal water supply.

Water is a finite resource. Since we cannot increase our water supply yet (desalination technology may increase our supply of potable water in the future as this technology is developed), we will be forced to stretch our current municipal water supplies to meet the ever growing demands caused by our population growth. These practical realities will require us to reduce our per capita water use, which is the very definition of conservation.

That conservation will be a future trend, especially as we approach the limits of our current water resources, is obvious. The more nuanced issues are what sort of penalties the Legislature will include in conservation measures, and how the Legislature will ensure enforcement of any conservation requirements.

The North Texas Municipal Water District (NTMWD) provides potable water supply to parts of the North Texas area. One of its wholesale customers is the City of Plano. In 2005 and 2006, this area experienced drought conditions. NTMWD implemented its Water Conservation and Drought Contingency Plan in October 2005. In June of 2006, Plano triggered Stage 3 water use restrictions for the city's retail water customers (which included the author). These mostly restricted water uses such as washing vehicles and watering lawns. Violators received a citation and fine for the first and second violations. The city could impose fines up to \$2,000. The city could also cut off water after the third violation. During the Stage 3 restrictions, it was reported that Plano issued over 6,395 citations and collected more than \$475,399 in fines. This seems to demonstrate that conservation requirements can be enforced.

One creative use of conservation occurred in the 80th Legislature. Opposition to the Water Trifecta arose in part due to the fact that the Dallas area uses a much higher volume of water per capita as compared to other urban areas. Some legislators argued that Dallas should be required to reduce its per capita water use through conservation before being allowed to increase its water supply through the construction of new reservoirs. The argument was based in part on the "fact" that the Dallas area uses water frivolously for landscape irrigation. In the future, areas of the state may face increased peer pressure to use water wisely as a precondition to obtaining access to additional water supplies. Also, the perceived need by some legislators (and their constituents) to require uniform water conservation across the state, as a matter of fundamental fairness, will

also drive Future Trend No. 4 below.¹

2. Giving Landowners More Opportunities to Obtain Necessary Water Service

The state's projected population growth, and its anticipated concentration in urban areas, will continue to push the outer fringes of our suburbs into what is today rural areas. It will be critical to provide these newly developed areas with necessary water service and adequate water supply. However, some (perhaps many) of these areas are serviced by financially weak water suppliers with little ability to upgrade their infrastructure.

The state's only options are to severely restrict population growth and the development necessary to support that growth, or provide these areas with the necessary water service. Growth stimulates our economy, and voters prefer prosperity, so this decision is easy to predict.

In order to ensure that areas can be supplied with the needed water service from a retail water supplier, particularly in these fringe areas, there must be less tolerance and protection of suppliers that do not or cannot provide the necessary quality and quantity of water service. Because water suppliers generally have a monopoly to provide service to an area, functionally the only ways to ensure this need are to: (1) allow landowners and developers to obtain water service from a provider that is ready, willing and able, other than the monopoly holder; or (2) quickly transfer the monopoly rights to another operator that can and will provide the service.

Both the 79th and 80th Legislatures addressed this situation at least twice. The 79th Legislature passed Senate Bill 11, to specifically assist El Paso Water Utilities in taking over a non-profit water supply corporation which was no longer operational. More generally, the 79th Legislature passed House Bill 2876 which gave landowners new rights to remove land from the certificated area of a Certificate of Convenience and Necessity. The 80th Legislature came back to the El Paso Water Utilities situation and repealed the authorizing statute so that it could not be used by others (See House Bill 3353). However, a precedent has been set. Of

¹Readers should be aware that, according to the TWDB, water use stated on a per capita basis cannot be compared as though they are objective statistics. There are various reasons why the per capita water use of one city may be higher or lower than that of another related to local climate, types of development and other factors. For further information see Chapter 4 of the 2007 State Water Plan.

general application, House Bill 149 facilitates a functioning water or sewer service system taking over a non-functioning water or sewer service system and provides protection from the TCEQ in order to allow the acquiring entity time to bring the non-functioning supply system into compliance. In the future more of these obstacles will be removed in order to support the uninterrupted growth of our state's population.

3. More Centralization

Water service is viewed in our society as a right, and by some as an *inalienable* right. It is not possible to enjoy life, liberty and the pursuit of happiness without water. Couple that with the Equal Protection Clause, and certain people seem to feel the need for the uniform provision (and, implicitly, the uniform individual consumption) of water across the state. Local entities, such as groundwater conservation districts, MUDs and other special districts cannot meet these equality concerns. More control over water resources will need to be exercised centrally, whether by the TWDB or TCEQ, in order for all parts of the state to be treated equally.

It will be interesting to watch the ascendancy of the TWDB's importance in the development of future substantive water rights and water supply. This position was predestined upon making water use subject to water planning, and allocating to the TWDB the ultimate authority for water planning. As a result, in time, the TWDB may become the determining regulatory agency for all facets of water law other than a retail water service provider's performance. This will allow the opportunity for even greater centralized control over our state's water resources.

4. More Standardization

The interim charges given to the House Natural Resources Committee include these two charges:

5. Evaluate creating a uniform template for the creation of Municipal Utility Districts or other special districts with addendums for special powers to expedite the creation of new districts.
6. Examine "resign to run" rules for soil and water conservation district members in comparison to groundwater district members.

The interim charges given to the Senate Intergovernmental Relations Committee include this charge:

Review the process for the creation of Municipal Utility Districts (MUDs) and other special districts, and investigate whether the creation of a standard municipal utility district statute is feasible, and whether it would enable the legislature to more efficiently evaluate proposed districts during the legislative session

These are examples of the standardization trend that will come to fruition in the future.

Currently multiple types of entities with a vast array of differing powers, authority and restrictions are involved in water planning, permitting and wholesale and retail provision. Eventually, watch for more standardization within each of these areas, again spurred at least in part by the perceived need to be "equal" with the various interested groups. There will also be more standardization among the types of entities that act very similarly.

Another aspect of the standardization trend will be to standardize the due process rights for the efforts of ultimate water users to obtain a sufficient water supply. This is another application of the "equal protection" argument. The idea is that someone receiving water service from a MUD should not be treated differently from someone receiving water from a CCN holder, who should not be treated differently than someone receiving service from a city, and so on for each type of water services provider. This may begin with process, but if standardized process does not produce the goal of standardized service/supply, then the desired substantive outcomes will likely be more directly dictated.

5. More Ability to Privately Enforce Water Rights and Restrictions

The 80th Legislature's Senate Bill 1383 is a harbinger of this trend. This new law authorizes a private cause of action for a citizen when a neighboring landowner illegally drills a water well or operates a water well in a groundwater conservation district (district) in an unlawful manner. That appears to be a simple, broad right. This concept may likely be expanded to other water users in other circumstances.

If complaints about others' refusal to follow the law overwhelm providers and then the TCEQ and/or TWDB, we may also see expedited processes created to resolve these conflicts. Again, due to water being a finite resource, Texas cannot afford to waste water and so a premium already exists on quickly enforcing compliance

with the law.

6. The Wild Card

The unpredictable wild card is simply ineptitude. What happens when a water planning group makes a big mistake? What if a groundwater conservation district board refuses to follow the law, or refuses to even learn and apply the law correctly? What if a retail public water supplier refuses to provide a continuous and adequate water supply? How is it remedied? Do the inept individuals lose their positions, and if so, how, exactly?

In many instances traditional remedies will not be helpful because water is such an important and finite resource, and time works against us. Simply put, Texas will rarely be able to afford to be wrong, so any ineptitude or disobedience may need to be corrected more quickly than allowed by a traditional lawsuit or contested case regulatory proceeding.

I consider this as a wild card not primarily because of concerns as to how the regulatory agencies or legislature will deal with the issues these situations create, but moreso because the situations themselves are unpredictable. Laws, regulations, and policies tend to be reactionary in this area, meaning the legislature and courts and agencies will likely wait until an unpredictable real world situation occurs (or a string of situations occur), and then respond with a broad based rule that may or may not be properly tailored to the real problem.

III. CONCLUSION AND CREDITS

Delaware may be the corporate law mecca of the United States, but for water law few if any states can match Texas. No other state exerts such effort quantifying its water resources and planning for water use. Even so, water is an unpredictable resource that varies depending on drought conditions. We may still be a few years away from reaping substantial benefits from our efforts, but that day seems inevitable. The 2005-2006 drought in North Texas provided a brief glimpse of how devastating it may be to have reduced supplies of water.

Sound water policy, set by the Legislature and executed by the TWDB, TCEQ, and the special districts, is the foundation of ensuring continued economic development in the state. As shown in the appendices, Representative Robert Puente has historically provided significant leadership on water issues. He resigned after the 80th Legislature's regular session. In my opinion he has been a statesman for Texas and his presence will be

missed. Fortunately, Texas has other legislators with a genuine passion for water issues to continue Texas' efforts to maximize the efficient and wise use of this resource.

In addition to the members of RELACs, I must thank Ms. Hope Wells, General Counsel, House Natural Resources Committee, for her time to discuss ideas and provide factual information.

For current water news and other water-related developments, please visit my law firm's water law website:



and in particular:

www.texasH2Olaw.com/texwaternews.htm

For environmental issues, please visit my law firm's environmental website:



and in particular:

www.texasenvironmentallaw.com/environeews.htm

APPENDIX A**I. INTRODUCTION**

This appendix presents a summary of significant bills which passed during the Regular Session of the 80th Legislature of the State of Texas, affecting the Water Code. In part it is the official, final report of the Real Estate Legislative Affairs Committee, of the Real Estate, Probate and Trust Law Section of the State Bar of Texas. The official committee report was limited to more significant bills. To that report, for this paper, I added summaries for 16 House Bills and 8 Senate Bills, so that this report includes every bill that affected the Water Code passed in the 80th Legislature's regular session.

The short caption and the general summary for each bill may not cover all relevant aspects of the bill, but rather are simply intended to alert the reader to the bill generally and the areas of law affected by the bill. I also added to this paper, following certain bills, references to the related TCEQ rule project for adoptions, pending adoptions and proposals.

II. EFFECTIVE DATES

Pursuant to Section 39, Article III, of the Texas Constitution, the effective date of acts without specific effective dates (which could not become effective immediately) passed by the Legislature in its regular session is 91 days after adjournment of the Regular Session which, for the 80th Legislature's Regular Session, is Monday, August 27, 2007. If, however, a bill includes a provision for immediate effect and is passed by a two-thirds majority in each house, the bill becomes law immediately upon signing by the Governor and/or filing with the Secretary of State. Because of the possible confusion and uncertainty in this area, this report includes after the summary of each bill the earliest effective date for each summarized bill as reported by the Texas Legislative Service on its website.

III. ACKNOWLEDGMENTS

This is based in part on the official, final report of the Real Estate Legislative Affairs Committee for the 80th Legislature's Regular Session, the members of which are listed at the end of this appendix. These members volunteered countless hours to track and summarize the legislation from which this report is comprised. Their efforts are greatly appreciated.

IV. INTERNET ACCESS

The full version of these bills may be accessed at the following websites:

www.capitol.state.tx.us

Official Website of the Texas Legislature

Several bills may be limited ("bracketed" in legislative parlance) to certain geographic areas in Texas by reference to municipality or county population and/or square miles contained in the county. The following websites are helpful in deciphering the bracketing system:

www.tsl.state.tx.us/ref/abouttx/popcity32000.html

www.quickfacts.census.gov/qfd/states/48000.html

V. SUMMARIES OF NEW LEGISLATION**HEALTH AND SAFETY CODE**

(excerpt from the full report relevant to water issues)

House Bill 1391

Relating to the provision of water and utility service

Author: Turner

Sponsor: Whitmire

Adds Health & Safety Code, Title 5, Chapter 341, Section 341.0357; Amends Health & Safety Code, Title 5, Chapter 341, Section 341.040

Requires water-utility regulatory authority (TCEQ or city) to adopt standards requiring utilities to maintain sufficient water pressure for firefighting in residential areas of cities with a population of 1,000,000 or more. Requires oversight by TCEQ.

Effective Date: September 1, 2007

LOCAL GOVERNMENT CODE

(excerpts from the full report relevant to water issues)

House Bill 536

Relating to the consent required for a municipality to annex a water or sewer district

Author: Truitt

Sponsor: Wentworth

Amends Local Government Code, Title 2, Chapter 43, Section 43.071

Allows a city to annex a water district "wholly or partly" in the overlapping extraterritorial jurisdiction of two or more cities, without consent of any other city, but only in very rare circumstances: (i) annexed area contains less than 100 acres; (ii) annexing municipality previously annexed more than 50 percent of the territory of the

district, as originally created; and (iii) the entire district ends up in the annexing city.

Effective Date: September 1, 2007

House Bill 662

Relating to transmittal to the Texas Water Development Board and a local groundwater conservation district of certain information by a person applying to subdivide a tract of land

Author: Wentworth Sponsor: Hilderbrand
Amends Local Government Code, Title 7, Sections 212.0101 and 232.0032

Requires developers, upon submitting a plat to subdivide land, to provide the Texas Water Development Board and any groundwater conservation district that includes in the district's boundaries any part of the subdivision information that would be useful in planning water use and/or studying water issues. Directs the TCEQ to promulgate rules specifying the information to be provided.

Effective Date: September 1, 2007

NOTE: See TCEQ Rule Project No. 2007-045-230-PR for a related rule proposal.

Senate Bill 781

Relating to remedies available if a subdivider fails to provide water or sewer services in certain subdivisions near an international border

Author: Lucio Sponsor: Pickett
Amends Local Government Code, Title 7, Subtitle B, Section 232.038

Provides an alternative recovery for a suit by a private person in an economically distressed area who did not receive water and sewer services with the purchase of a lot from a subdivider. The alternative to declaring the sale void and recovering the market value of any improvements from the subdivider, is for the injured person to enjoin the subdivider's violation, require a replat, and recover from the subdivider the actual expenses incurred as a result of failure to provide adequate water and sewer services.

Effective Date: June 15, 2007

House Bill 3475

Relating to the authority of certain counties to acquire, construct or operate a water supply system or sewer system and own or operate a utility

Author: Gallego Sponsor: Uresti
Adds Local Government Code, Title 13, Chapter 412, Section 412.017

Allows Val Verde County to acquire, construct, or operate a water supply system or sewage system and own or operate a utility. The intent is to allow Val Verde County to better serve and protect Amistad Lake from the continued development in the area and from potential contamination due to failed septic tanks. The county will have this authority until the area is annexed by the City of Del Rio which can then begin to provide the area with such services.

Effective Date: September 1, 2007

NOTE: See TCEQ Rule Project No. 2007-048-291-PR for a related rule proposal.

House Bill 1314

Relating to the regulation and financing of water and sewer utility systems in certain counties; providing a civil penalty

Author: Bailey Sponsor: Jackson, Mike
Amends Local Government Code, Title 13, Chapter 412, Section 412.016; Adds Local Government Code, Title 13, Chapter 412, Section 412.017

Allows a populous county (3.3 million or more; e.g., Harris County) to prohibit a person from installing an on-site sewage disposal system, a water well, or another well or sewer utility system in areas that are: (i) economically distressed or affected by hazardous wastes (e.g., "superfund" sites), (ii) already served by a water or sewer system, and (iii) developed before 1987 (thereby reducing competition). Provides for competitive bidding and enforcement. Also enlarges authority of counties with a population over 2 million to provide water and sewer services.

Effective Date: June 16, 2007

Senate Bill 1932

Relating to the assessment of charges by certain local governments to fund a stormwater permitting program under federal law

Author: Uresti Sponsor: Puente

Exempts from requirement of accessible voting station elections (other than those held jointly with another election in which a federal office appears on the ballot) held by a political subdivision that is (i) a county under 2,000 in population, (ii) a county with a population of 2,000 or more but less than 5,000 that provides at least one accessible voting station on election day, (iii) a county with a population of 5,000 or more but less than 10,000 that provides at least one accessible voting station on election day and during early voting, (iv) a county with a population of 10,000 or more but less than 20,000, and the county shows that providing accessible voting stations is an undue burden on the county (meeting specified requirements), provides at least one accessible voting station on election day and during early voting, and provides a mobile voting station, or (v) located in a county described by (ii) through (iv) and meets the same requirements as the county in which the political subdivision is located. Requires a voter with a disability requiring reasonable accommodation in a county described in (i), above (or a political subdivision therein) to request accommodation from the early voting clerk not later than the 21st day before the date of the election, and requires the early voting clerk to make reasonable accommodation to allow the voter to vote. Requires a county or political subdivision intending to use this act to provide fewer accessible voting stations than otherwise required by law to provide notice to the secretary of state of same not later than the 90th day before the date of the election, and for a county or political subdivision described in (ii), (iii) or (iv), to publish notice of the location of each accessible voting station in a newspaper of general circulation in the county or political subdivision not later than the 15th day before the date of the start of the period of early voting. Exempts the Hickory Underground Water Conservation District No. 1 from certain federal voter accessibility requirements unless the election is held in conjunction with another election in which a federal office appears on the ballot.

Effective Date: June 15, 2007

WATER CODE

TITLE 1. GENERAL PROVISIONS

House Bill 3769

Relating to the eligibility of an employee of a political subdivision of this state to be a member of the governing body of certain state agencies

Author: Puente

Sponsor: Averitt

Adds Water Code, Title 1, Section 5.053(c) and Section 6.053(c)

Chapter 5, Water Code, which is the authorizing statute for the Texas Commission on Environmental Quality (TCEQ), and Chapter 6, Water Code, which is the authorizing statute for the Texas Water Development Board (TWDB), both have eligibility requirements for membership designed to ensure that a person that owns or has a financial interest in an entity regulated by TCEQ or TWDB cannot be involved in the regulation of that entity. Under other chapters of the Water Code and Health and Safety Code, a political subdivision may be required to obtain a permit from TCEQ or apply for financial assistance from TWDB. This bill clarifies the eligibility requirements so that political subdivision employees, who do not own or have a financial interest in the political subdivision, are not excluded from an opportunity for public service as a TCEQ commissioner or member of TWDB.

Effective Date: September 1, 2007

House Bill 1526

Relating to incentives for the use of alternative leak detection technologies for air contaminants

Author: Smith, Wayne Sponsor: Selinger
Amends Water Code, Title 1, Section 5.752(2)

Redefines “innovative program” to add, as an innovative program, a program established under Texas Health and Safety Code Section 382.401 (newly adopted by this Legislature), which encourages the use of alternative technology for detecting leaks or emissions of air contaminants.

Effective Date: June 15, 2007

House Bill 2714

Relating to a program for the recycling of computer equipment of consumers in this state; providing administrative penalties

Author: Bonnen Sponsor: Watson
*Adds Water Code Title 1, Section 7.051(b-1) and (b-2);
Amends Water Code, Title 1, Section 7.069*

Ties the Water Code to the new Manufacturer Responsibility and Consumer Convenience Computer Equipment Collection and Recovery Act (MRCCECRA), added to Texas Health and Safety Code Subchapter Y. Assesses a penalty against manufacturers that do not label its computer equipment

or adopt and implement a recovery plan as required by MRCCCECRA. Penalties are paid to the TCEQ and deposited to the credit of the waste management account.

Effective Date: September 1, 2007

NOTE: See TCEQ Rule Project No. 2007-036-328-AS for a related rule pending adoption. See also TCEQ Rule Project No. 2007-036-328-AS for an additional related rule proposal.

TITLE 2. WATER ADMINISTRATION

Senate Bill 99

Relating to the identification of and provision of assistance to colonias and for tracking the progress of certain state-funded projects that benefit colonias

Author: Zaffirini Sponsor: Guillen
Adds Water Code, Title 2, Section 5.1781; Amends Water Code, Title 2, Section 6.1565; Amends Water Code Title 2, Section 15.001, 15.951(2)

Changes definition of “nonborder colonia.” Requires certain agencies, including the TCEQ and TWDB, to identify, in their content-specified reports to the secretary of state, the exact amount spent or amount anticipated to be spent on each colonia served by a project. Requires the inclusion of a colonia classification number to an application for funds administered by certain agencies, including the TCEQ and TWDB. Requires certain agencies, including the TCEQ, to provide the secretary of state with a content-specified, quarterly report on its projects that provide funds to colonias.

Effective Date: June 15, 2007

Senate Bill 616

Relating to the protection and use of intellectual property by the executive administrator of the Texas Water Development Board

Author: Duncan Sponsor: Puente
Amends Water Code, Title 2, Section 6.197

(From bill analysis:) The Texas Water Development Board (TWDB) does not currently have the power to acquire intellectual property rights, such as the right to trademark, copyright, or patent. The TWDB is celebrating its 50th anniversary in 2007 and could pursue an intellectual property right, such as a copyright or trademarks for items associated with anniversary events, such as publications, logos and slogans. In addition, the TWDB undertakes scientific research, geospatial data

collection and dissemination, marketing of financial assistance programs and public education and outreach efforts on water conservation that may benefit from an intellectual property right. SB 616 gives the TWDB the power to acquire intellectual property rights, such as the right to trademark, copyright, or patent.

Effective Date: September 1, 2007

Senate Bill 12

Relating to programs for the enhancement of air quality, including energy efficient standards in state purchasing and energy consumption; providing penalties

Author: Averitt Sponsor: Bonnen
Adds Water Code, Title 2, Section 7.00251

Generally, SB 12 increases the scope of both the Texas Emissions Reduction Program and the Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP). These programs are designed to reduce emissions from mobile sources, increases the number of individuals eligible for grants under LIRAP, and increases the amount of the grant for purchase of a new vehicle. It is also designed to reduce statewide emissions from electrical generation units by providing for the updating of building energy codes, encouraging the purchase of efficient appliances, and providing efficiency standards for school districts, institutions of higher education, state agencies, and governmental entities in counties. This new section in the Water Code provides that the TCEQ will include in any enforcement action for multiple violations by a person of the federal Clean Air Act, those that require initiation of formal enforcement. The TCEQ will not include in formal enforcement violations that are repeat violations due to the same root cause from two consecutive investigations within the most recent 5 year period, or violations that have been corrected within the time frame specified by the TCEQ or for which the facility has not had the time specified by the TCEQ to correct the violations.

Effective Date: June 8, 2007

NOTE: See TCEQ Rule Project No. 2007-041-114-EN for a related rule adoption. See also TCEQ Rule Project No. 2007-022-114-EN for an additional related rule adoption.

House Bill 3

Relating to the management of the water resources of the state, including the protection of instream flows and freshwater inflows, and to the management of

groundwater in the area regulated by the Edwards Aquifer Authority and to the operations and oversight of the authority

Author: Puente Sponsor: Averitt
Amends various sections of Water Code, Title 2, Chapters 5, 11, 15, 16 and 26; repeals Water Code, Title 2, Chapter 11, Section 11.1491(b); Acts of the 73rd Legislature, Regular Session, 1993, Chapter 626

Article 1: Sets up a “consensus based” regulatory program to provide surface water for environmental needs, including both instream flows and freshwater inflows. Requires TCEQ to adopt environmental flow standards. Establishes elaborate system of committees (including the Environmental Flows Advisory Group) and procedures to develop recommendations to the TCEQ, giving highest priority to river basins in the eastern portion of the State. Allows TCEQ to insert adjustable permit conditions to protect environmental flows. Allows TCEQ to set aside unappropriated water (where available) for environmental flows, subject to preemption for “other beneficial uses” temporarily, in case of emergency. Applies to some pending applications and future applications. Requires inter-agency cooperation (e.g., TCEQ, TWDB, Parks & Wildlife) and consideration of regional water plans; allows TWDB to use water funds to defray part of the cost. Strengthens enforcement and makes some provisions for watermasters and watermaster advisory committees; eliminates fees and assessments for certain water rights deposited into the Texas Water Trust.

Article 2: Revamps laws governing the Edwards Aquifer Authority (EAA). Revises EAA powers to provide water supply and “recharge” facilities. Requires EAA to recognize connection between surface water and groundwater. Fixes some withdrawal rates and prescribes terms of “critical period management plans.” Protects irrigation of crops “in progress.” Contains extensive provisions for protecting threatened and endangered species, particularly near the Comal and San Marcos Springs. Sets up committees and technical advisors. Limits some lawsuits.

Effective Date: June 16, 2007

House Bill 4

Relating to water conservation

Author: Puente Sponsor: Averitt
Amends: Water Code, Title, Chapter 1, Section 1.003 and 1.004; Title 2, Chapters 10, 11, 13, 15 and 16 (various sections); Education Code, Title 3, Chapter 51,

Section 51.969; Government Code, Title 4, Chapter 447, Section 447.004; Health & Safety Code, Title 5, Chapter 341, Section 341.042; Local Government Code, Title 13, Chapter 401 by adding Section 401.006; Occupations Code, Title 12, Chapter 1903, Section 1903.053; Tax Code, Title 2, Chapter 151, Section 151.355

Includes numerous water conservation measures: (i) encouraging “voluntary land stewardship” practices, i.e., runoff reduction, prescribed burning, managed grazing, brush management, erosion management, reseeding with native plant species, riparian management and restoration, and spring and creek-bank protection; (ii) creating a broad-based Water Conservation Advisory Council (appointed by TWDB) to monitor, study and report on water conservation generally and water conservation training facilities entities and programs for public utilities; (iii) requiring each retail public utility serving 3,300 or more connections to submit a water conservation plan; (iv) authorizing TWDB grants for water conservation; (v) authorizing a statewide water conservation public awareness program; (vi) strengthening enforcement of water conservation plans; (vii) encouraging use of on-site reclaimed water, i.e., rainwater harvesting, condensate collection, and cooling tower blow down (and requiring them for some state buildings); (viii) authorizing home-rule cities to require water conservation in city limits and by city customers in extraterritorial jurisdiction area; and (ix) adding a property tax exemption for using wastewater for “fracturing work” at an oil or gas well; and (x) requiring TCEQ rules for irrigation systems and installers. Includes transitional provisions.

Effective Date: June 16, 2007

NOTE: See TCEQ Rule Project No. 2007-025-288-PR for a related rule adoption. See also TCEQ Rule Project No. 2007- 027-344-CE for an additional related rule proposal.

Senate Bill 3

Relating to the development, management, and preservation of the water resources of the state; providing penalties

Author: Averitt Sponsor: Puente
Adds Education Code, Title 3, Chapter 51, Section 51.969 and Chapter 68, Subchapter B; Amends Government Code, Title 4, Chapter 446, Section 447.004; Amends Health and Safety Code, Title 5, Section 341.042; Amends various sections of Local Government Code, Title 7, Chapter 212; Adds various sections to Local Government Code, Title 13, Chapters

401 and 402; Amends Occupations Code, Title 12, Chapter 1903, Section 1903.053; Amends and adds various sections of Special District Local Laws Code, Title 6, Chapter 7201; Adds Special District Local Laws Code, Title 6, Chapters 8269 and 8823; Amends and adds various sections of Water Code; Repeals Water Code, Title 2, Chapter 9 and Title 4, Chapter 64

The Water Code requires the TCEQ, while balancing all other interests, to consider and provide for the freshwater inflows necessary to maintain the health of the state's bay and estuary systems in TCEQ's regular granting of permits for the use of state waters. Senate Bill 3 amends current law to require TCEQ to adopt recommendations in the form of environmental flow standards and gives preference to projects with a conservation plan when awarding state aid. In addition, Senate Bill 3 creates an Environmental Flows Advisory Group (advisory group) to conduct hearings and study public policy implications for balancing the demands on water resources of the state resulting from a growing population with the requirements of the state's rivers and bay systems. Senate Bill 3 makes other changes in law similar to those made by House Bills 3 and 4. Senate Bill 3 also creates the True Ranch Municipal Utility District No. 1 covering portions of Hays County and the Tablerock Groundwater Conservation District covering Coryell County.

Effective Date: September 1, 2007, with certain changes effective June 16, 2007

NOTE: See TCEQ Rule Project No. 2007-025-288-PR for a related rule adoption. See also TCEQ Rule Project No. 2007-048-291-PR for a related rule proposal. See also TCEQ Rule Project No. 2007-027-344-CE for an additional related rule proposal.

House Bill 1254

Relating to environmental permitting fees and electronic reporting

Author: Bonnen Sponsor: Averitt
Amends Water Code, Title 2, Chapter 5, Section 5.128

Allows TCEQ to adjust its fees to encourage electronic reporting and using the TCEQ's electronic document receiving system.

Effective Date: September 1, 2007

NOTE: See TCEQ Rule Project No. 2007-050-019-PR for a related rule proposal.

House Bill 147

Relating to the deferral of an administrative penalty imposed by the Texas Commission on Environmental Quality against certain utilities and districts

Author: Phillips Sponsor: Seliger
Amends Water Code, Title 2, Chapter 7 by adding Section 7.034

Grants TCEQ discretion to defer payment of administrative penalties assessed against a municipally owned utility, a water supply or sewer service corporation, or certain water districts, but "on the condition that the entity complies with all provisions for corrective action in a commission order to address the violation."

Effective Date: September 1, 2007

House Bill 149

Relating to rates charged for water or sewer services by an entity that takes over a nonfunctioning water or sewer system

Author: Phillips Sponsor: Estes
Amends Water Code, Title 2, Chapter 13, Section 13.046

Requires TCEQ, by rule, to allow "immediate" rate increases for a retail public utility that takes over "a nonfunctioning retail water or sewer utility service provider." TCEQ must "provide a streamlined process" for reviewing such rates and must allow cost recovery for: (i) interconnection (or making service available) and (ii) bringing the nonfunctioning system into compliance with TCEQ rules. TCEQ must provide "a reasonable period" for bringing a nonfunctioning system into compliance during which time TCEQ may not impose a penalty for deficiencies at the time of takeover.

Effective Date: September 1, 2007

NOTE: See TCEQ Rule Project No. 2007-048-291-PR for a related rule proposal.

Senate Bill 622

Relating to the collection of certain data for the Texas Natural Resources Information System and the duties of the Texas Geographic Information Council

Author: Carona Sponsor: Callegari
Amends Water Code, Title 2, Section 16.021

(From bill analysis:) State law requires the Texas

Geographic Information Council to publish a biennial report on the use of geographic information systems (GIS) technology by state government, which provides an inventory of GIS projects and activities within state government and makes recommendations on issues related to the use of geospatial data and technologies within the state. The current report deadline of Sept. 1 of even-numbered years is problematic in that it corresponds with the Legislative Appropriations Request process. Senate Bill 622 moves the statutory deadline to November 1. This change is intended to give Texas Water Development Board and Texas Department of Information Resources (DIR) additional time to work with TGIC members to produce the biennial report and will allow for input to the DIR Biennial Performance Report. The bill also clarifies certain criteria required for inclusion in the report.

Effective Date: May 11, 2007

NOTE: See TCEQ Rule Project No. 2007-031-030-CE for a related rule proposal. See also TCEQ Rule Project No. 2007-027-344-CE for an additional related rule proposal.

Senate Bill 1436

Relating to the transfer of responsibility for the National Flood Insurance Program from the Texas Commission on Environmental Quality to the Texas Water Development Board and the administration and funding of the program and to the creation of a center to study elevation and related data; providing for the imposition of penalties

Author: West, Royce Sponsor: Creighton
Amends Water Code, Title 2, Section 5.013(a), Section 16.314-16.319; Adds Water Code, Title 2, Section 16.3161

Transfers responsibility for state administration, coordination, and management of local participation in the National Flood Insurance Program from the Texas Commission on Environmental Quality to the Texas Water Development Board.

Effective Date: September 1, 2007

House Bill 386

Relating to the repeal of the law creating the Texas Deepwater Port Authority

Author: Callegari Sponsor: Hegar
Repeals Water Code, Title 2, Chapter 19

Repeals the law creating and governing the Texas Deepwater Port Authority, a state agency that ceased operating in 1980. The Authority was originally created to finance and acquire an offshore, deepwater port facility for supertankers carrying “crude oil and other fluid commodities.”

Effective Date: June 16, 2007

House Bill 2278

Relating to a nonsubstantive revision of statutes relating to business and commerce; including conforming amendments

Author: Deshotel Sponsor: Brimer
Amends Water Code, Title 2, Section 26.027, and Title 5, Section 152.051(c)

The Texas Legislative Council (TLC) periodically revises Texas statutes to make them more accessible, understandable, and usable without altering their sense, meaning, or effect. As part of this process, the TLC reclassifies and rearranges statutes in a more logical order; employs a numbering system and format that will accommodate future expansion of the law; eliminates repealed, invalid, or duplicative provisions; and improves the draftsmanship of the law. This bill revises the Business and Commerce Code and Government Code, and conforms references in the Water Code to those codifications. It is intended to be a non-substantive revision.

Effective Date: April 1, 2009

House Bill 3554

Relating to the program for the regulation and remediation of underground and aboveground storage tanks

Author: Isett Sponsor: Duncan
Amends various sections of Water Code, Title 2, Chapter 26

Requires TCEQ to use “risk-based corrective action” (rather than rule-making) for corrective action for release from an underground or aboveground storage tank. Requires TCEQ to define “risk-based corrective action” by rule. Allows TCEQ to use funds from the petroleum storage tank remediation account to pay costs associated with assuring compliance with applicable underground or aboveground storage tank administrative and technical requirements (and allows TCEQ to transfer funds from the petroleum storage tank remediation account to the waste management account for this purpose). Extends by

Author: Swinford Sponsor: West, Royce
Repeals Water Code Title 1, Section 5.131; Amends Water Code Title 2, Section 26.342(3); Renumbers Water Code Chapters 221 and 222, Amends Water Code, Title 2, Chapter 29

Nonsubstantive clean-up bill compiled by the Texas Legislative Council, primarily focused on the Special District Local Laws Code and titles of the Insurance Code. Moves Water Code Chapter 221 to Special District Local Laws Code Chapter 8502 and Water Code Chapter 222 to Special District Local Laws Code Chapter 8503.

House Bill 1956

Relating to the financial responsibility requirements applicable to owners or operators of underground storage tanks

Author: Hancock Sponsor: Brimer
Amends Water Code, Title 2, Chapter 26, Section 26.352

Requires annual submission of proof of financial responsibility (e.g., insurance) for underground storage tanks used for petroleum products. Requires insurance companies (or others) to notify the TCEQ if insurance (or financial assurance) is “canceled or not renewed.” Requires tank owner or operator to “dispose of any regulated substance . . . at a properly licensed facility” if insurance or financial assurance for the tank is terminated. Sets minimum penalty level at the estimated cost of providing insurance. Authorizes TCEQ to order a tank “out of service” for lack of evidence of financial responsibility. Includes transitional provisions.

Effective date: September 1, 2007

See TCEQ Rule Project No. 2007-038-037-AS for a related rule proposal.

House Bill 3838

Relating to regulation of injection wells used for in situ uranium recovery by the Texas Commission on Environmental Quality

Author: Gonzalez Toureilles Sponsor: Hegar
Amends various sections of Water Code, Title 2, Chapter 27; Adds Water Code Title 2, Chapter 27, Sections 27.023 and 27.024

Grants TCEQ exclusive jurisdiction over wells used to obtain required premining geologic, hydrologic, and water quality information during development of permit applications (for construction and operation of

production and monitoring wells used in connection with in situ uranium recovery). Requires a person developing an application for such a permit for an area located in a groundwater conservation to provide to the district information regarding wells encountered which are not shown in the public record, the locations of wells within a quarter mile of the proposed permit location that are in the public record, and certain water quality, water production, and geologic information. Allows TCEQ or the Texas Railroad Commission to require persons receiving a permit or authorization under Chapter 27 (injection wells) to gather data regarding strata penetrated in drilling monitoring wells and production wells (previously, this requirement contemplated only injection wells).

Effective Date: September 1, 2007

House Bill 2654

Relating to the regulation of the use of an injection well to inject nonhazardous brine from a desalination operation or to inject nonhazardous drinking water treatment residuals

Author: Puente Sponsor: Duncan
Amends Health & Safety Code, Title 5, Chapter 361, Section 361.086; Amends Water Code, Title 2, Chapter 27, Sections 27.014, 27.021 and 27.0511; Adds Water Code, Title 2, Chapter 27, Section 27.023

Allows TCEQ to issue “a general permit” authorizing disposal by underground injection of “nonhazardous brine from a desalination operation” and “nonhazardous drinking water treatment residuals,” subject to notice, hearing, findings, filing requirements, suspensions, fees, etc. Allows TCEQ to issue individual permits to dispose of such residuals in injection wells. Allows RRC to authorize injection of such brines and residuals “as an injection fluid for enhanced recovery purposes.” Declares that disposal of radioactive material is subject to the applicable requirements of Chapter 401, Health and Safety Code. Allows TCEQ to adopt rules. Exempts activities authorized by a general permit from certain solid waste permitting.

Effective Date: September 1, 2007

NOTE: See TCEQ Rule Project No. 2007-030-331-PR for a related rule proposal.

Senate Bill 1604

Relating to responsibilities of certain state agencies concerning radioactive substances; imposing fees and surcharges; providing administrative and civil penalties

Author: Duncan Sponsor: Bonnen
Amends Health and Safety Code, Title 5, Chapter 361, Section 361.015; Amends various sections of Health and Safety Code, Title 5, Chapter 401; Adds Health and Safety Code, Title 5, Chapter 401, Sections 401.271 and 401.272; Adds Water Code, Title 2, Chapter 27, Section 27.0513

Transfers from the Texas Department of State Health Services to TCEQ the jurisdiction to regulate and license the processing and storage of low-level radioactive waste and naturally occurring radioactive waste (except oil and gas naturally occurring radioactive waste), certain source material and by-product material, and sites for disposal of such waste and materials. Requires applicants for licenses and permits to provide financial security (as opposed merely to proof of financial qualifications). Imposes fees on license holders (payment on a quarterly basis of 10% of the holder's gross receipts from disposal operations—one-half of this fee goes to the comptroller and the State's general revenue fund; the other half goes to the host county), with exceptions for compact waste or federal facility waste or industrial solid waste. Creates provisions governing TCEQ's issuance of injection well permits for uranium mining. Contains provisions governing the transition of property, funds, and responsibilities from the Department of State Health Services to TCEQ.

Effective Date: June 16, 2007

See TCEQ Rule Project No. 2007-028-336-PR for a related rule adoption.

Senate Bill 747

Relating to the authority of the Barton Springs-Edwards Aquifer Conservation District to charge certain fees and limit groundwater production during a drought

Author: Watson Sponsor: Bolton
Amends Water Code, Title 2, Section 36.205 and various sections of the Special District Local Laws Code

(From bill analysis:) SB 747 increases production fees on all conditional permits and materially amended permits at their next renewal date to not more than the greater of 38 cents per thousand gallons or the raw surface water cost of other wholesale suppliers serving customers in the district. Also, existing historic permittees with no material amendments are grandfathered by this bill. S.B. 747 also addresses restrictions on groundwater production during periods of drought and extreme drought.

Effective Date: September 1, 2007

Senate Bill 714

Relating to reports regarding certain water wells required by a groundwater conservation district

Author: Fraser Sponsor: Puente
Amends Water Code, Title 2, Chapter 36, Section 36.111

Allows (rather than requires, as prior to the effect of this amendment) a district to require record keeping and reporting regarding drilling, equipping, and completing of water wells and production and use of groundwater. Allows a district to adopt rules requiring the owners or operators of certain water wells to report groundwater withdrawals.

Effective Date: September 1, 2007

Senate Bill 1383

Relating to district hearings and citizen suits for illegally drilling or operating a water well

Author: Seliger Sponsor: Smithee
Amends Water Code, Title 2, Chapter 36, Section 36.119

Makes illegal, wasteful per se, and a nuisance to drill or operate a well or wells without a required permit or to produce groundwater in violation of a district rule adopted under Section 36.116(a)(2) (previously this subsection applied only to drilling a well without a permit or overproducing from a well). Allows a landowner or other person who has a right to produce groundwater from adjacent land or land within one-half mile to sue the owner of the well or wells to restrain or enjoin the aforesaid activity as well as for damages for injuries suffered by reason of such activity. Requires an aggrieved party, before filing suit, to file a written complaint with the district having jurisdiction over the well or wells involved. The district must investigate the complaint and provide notice and a hearing. Not later than the 90th day after the district receives a complaint, the district shall determine if a district rule has been violated. The aggrieved party may only file suit for damages on or after the 91st day after the district receives the complaint. An aggrieved party may sue to restrain or enjoin the drilling or completion of an illegal well after filing the written complaint, but without the need to wait for a hearing.

Effective Date: June 16, 2007

House Bill 2984

Relating to the qualification of supervisors of a fresh water supply district

Author: Creighton Sponsor: Hegar
Amends Water Code, Title 4, Chapter 53, Section 53.063

Changes qualification criteria for serving as a supervisor of a freshwater supply district from being a registered voter of the district to being a person who: (i) is a resident of the state, (ii) owns taxable property in the district and (iii) is at least 18 years old. Provides exception for Denton County, where supervisors must be registered voters in the district.

Effective Date: September 1, 2007

NOTE: See TCEQ Rule Project No. 2007-045-230-PR for a related rule proposal.

House Bill 713

Relating to the authority of a fresh water supply district to issue bonds or to enter into a contract to convey property to another water district or water supply corporation

Author: Callegari Sponsor: Seliger
Adds Water Code, Title 4, Chapter 53, Section 53.105; Amends Water Code, Title 4, Chapter 53, Section 53.171

Broadly authorizes fresh water supply districts (FWSDs) to make contracts with other types of districts (and water supply corporations) requiring FWSDs to: (i) acquire and convey water, sewer and drainage facilities, (ii) rehabilitate, repair, maintain, improve, enlarge, or extend such facilities, (iii) pay impact fees and other fees for capacity in such facilities, and (iv) sell such facilities. Contracts may provide for operation and maintenance, water supplies, paying for services and using the facilities to provide service within a FWSD. Allows the governing bodies to approve such contracts, unless the constitution requires a vote to impose a tax. Also authorizes FWSDs to issue bonds for “any purpose” authorized by law.

Effective Date: September 1, 2007

House Bill 3378

Relating to the requirements governing municipal consent to the creation or expansion of certain water districts

Author: Truitt Sponsor: Brimer
Adds Water Code, Title 4, Section 54.016(i) and (j);

Amends Local Government Code, Title 1, Section 42.042(a)

Local bill limited to cities with a population of 500,000 or more located in a county with a population of 1.4 million or more in which two or more cities or towns with a population of 300,000 or more are predominately located. Current law does not require water districts in extra-territorial jurisdictions to install water infrastructure systems that meet water fire flow standards essential to safety for urban areas. When the area is later annexed, the municipality is forced to make costly upgrades to the infrastructure to bring it to the city's standards. HB 3378 requires that a water district in a city's ETJ must meet the fire flow requirements adopted by that city as a condition to granting consent to the creation or expansion of the water district. Also authorizes a city to supplement its consent to the water district creation in settlement of a water rate dispute with a district, with the supplement's terms remaining in effect after the expiration of the consent unless the city and district agree otherwise.

Effective Date: June 15, 2007

NOTE: See TCEQ Rule Project No. 2007-045-230-PR for a related rule proposal.

House Bill 2091

Relating to municipal consent to the addition of a political subdivision of land located in the extraterritorial jurisdiction of the municipality

Author: Hill Sponsor: Wentworth
Amends Water Code, Title 4, Chapter 54; Adds Water Code, Title 4, Section 54.0165; Amends Local Government Code, Title 2, Chapter 42; Adds Local Government Code, Title 2, Section 42.0425

HB 2091 clarifies that a special district created to provide water, sewer, roadway, or drainage in the extraterritorial jurisdiction (ETJ) of a municipality must follow the same protocol, procedure, and planning process for the expansion or annexation of territory as it did when it was being created, if it is inside the ETJ of a municipality. Also provides that a landowner in the area proposed to be added may not unreasonably refuse to enter into a contract for water or sanitary sewer services with the municipality in certain circumstances. This is intended to promote the provision of utility service on a reasonable basis that is both functional and affordable.

Effective Date: June 15, 2007

APPENDIX B: SPECIAL DISTRICT LOCAL LAWS CODE, AND OTHER LOCAL LAWS**DEVELOPMENT CORPORATION ACT****House Bill 3440**

Relating to projects that may be undertaken by development corporations for the development, retention, or expansion of certain airport facilities

Author: Parker Sponsor: Harris
Reenacts and amends Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), as amended by Acts of the 79th Legislature, Regular Session, 2005, Chapters 1, 1048, and 1148

Clarifies that authorized airport projects include hangars, airport maintenance and repair facilities, air cargo facilities and related infrastructure located on or adjacent to an airport facility.

Effective Date: June 15, 2007

Senate Bill 1089

Relating to the authority of certain development corporations to spend tax revenue on certain mass transit-related facilities

Author: Shapiro Sponsor: Hill
Adds Vernon's Texas Civil Statutes, Title 83, Chapter 10, Article 5190.6, Section 38A

Allows a corporation created under sections 4A and 4B of the Development Corporation Act to spend tax revenues for development, installation and maintenance of commuter rail, light rail or motor buses.

Effective Date: May 17, 2007

SPECIAL DISTRICTS

Note: Many newly created special districts require a confirmation election. If the voters do not confirm the district at election, then the district is dissolved

House Bill 542

Relating to the name of the Brazos River Harbor Navigation District of Brazoria County and the name of its governing body

Author: Bonnen Sponsor: Janek
Adds Acts of the 40th Legislature, 1st Called Session 1927, Chapter 55, Section 4e

Changes name of Brazos River Harbor Navigation District of Brazoria County to "Port Freeport". Changes name of the governing body of the Brazos River Harbor Navigation District to "Port Commission", and name of each member of the Port Commission to "Port Commissioner".

Effective Date: March 28, 2007

House Bill 891

Relating to water rights Permit No. 5394A issued to the Upper Guadalupe River Authority

Author: Hilderbran Sponsor: Fraser
VOIDS Special Condition No. 5E, Permit No. 5394A

VOIDS Special Condition No. 5E, Permit No. 5394A, issued to the Upper Guadalupe River Authority by the Texas Natural Resource Conservation Commission.

Effective Date: June 15, 2007

House Bill 1401

Relating to the powers and duties of the Harris County Municipal Utility District No. 402 regarding road projects; providing authority to impose a tax and issue bonds

Adds Special District Local Laws Code, Title 6, Subtitle F, Chapter 8198

Author: Dutton Sponsor: Gallegos

Grants certain road powers to Harris County Municipal Utility District No. 402 as well as authority to issue bonds and impose taxes in connection with the same.

Effective Date: September 1, 2007

House Bill 1498

Relating to the creation of the Panola County Groundwater Conservation District; providing authority to impose a tax and issue bonds

Author: Hopson Sponsor: Eltife
Adds Special District Local Laws Code, Title 6, Chapter 8819

Creates Panola County Groundwater Conservation District as a groundwater conservation district in Panola County covering all of Panola County.

Effective Date: June 15, 2007

House Bill 1565

Relating to the board of directors of the Bexar Metropolitan Water District

Author: Puente Sponsor: Uresti
Amends and adds various sections to Acts of the 49th Legislature, Regular Session, 1945, Chapter 306

Removes the Bexar Metropolitan Water District's (the district) authority to store, control and conserve storm and flood waters of its rivers and streams and to prevent the escape of any such water, and to provide for the development of drainage systems to control, regulate, and dispose of all storm and flood waters. Requires to the district to prepare various reports to the Texas Commission on Environmental Quality (TCEQ), an oversight committee, and the legislature regarding district matters and procedures (including, without limitation, operations, maintenance, infrastructure, customer service, rate structure, implementation of necessary improvements, and water resource sustainability). Requires TCEQ to perform an on-site evaluation of the district. Permits TCEQ to issue orders compelling any appropriate and necessary actions by the district. Authorizes the TCEQ to include in the final evaluation a recommendation that the oversight committee consider the option of initiating the process of receivership appointment to operate the utility. Requires the district to adopt a uniform rate structure with rates equal to or lower than rates of other large retail water providers in the region; provided the district may adopt higher rates if necessary to meet debt service obligations or debt coverage requirements. Requires the district to maintain a rate structure that promotes and encourages water conservation and provides lower rates for customers using lower quantities of water.

Effective Date: June 15, 2007

House Bill 1573

Relating to the creation, administration, powers, duties, functions, operations, and financing of the Fort Griffin Special Utility District

Author: Keffer Sponsor: Estes
Adds Special District Local Laws Code, Title 6, Chapter 7210

Creates Fort Griffin Special Utility District as a special utility district in portions of Shackelford, Stephens, and Throckmorton Counties.

Effective Date: June 15, 2007

House Bill 1694

Relating to the boundaries of the Airline Improvement District in Harris County

Amends Acts of the 79th Legislature, Regular Session 2005, Chapter 572, Section 2

Author: Bailey Sponsor: Gallegos
Describes the boundaries of the Airline Improvement District.

Effective Date: May 27, 2007

House Bill 2070

Relating to relating to the confirmation election of the Duval County Groundwater Conservation District

Author: Guillen Sponsor: Zaffirini
Amends Special District Local Laws Code, Title 6, Chapter 8808, Section 8808.003

Extends the deadline for the confirmation of the Duval County Groundwater Conservation District at a confirmation election to September 1, 2009.

Effective Date: June 15, 2007

House Bill 2072

Relating to the appointment of temporary directors and the confirmation election of the Starr County Groundwater Conservation District

Author: Guillen Sponsor: Zaffirini
Amends and adds various sections of Special District Local Laws Code, Title 6, Chapter 8803

Requires confirmation of the district at a confirmation election prior to September 1, 2009. Implements provisions for the appointment of temporary directors until confirmation of the district and appointment of the initial directors.

Effective Date: June 15, 2007

House Bill 2368

Relating to the composition of the board of navigation and canal commissioners of the Victoria County Navigation District

Author: Morrison Sponsor: Hegar
Adds Special District Local Laws Code, Title 5, Chapter 5005

Effective Date: June 15, 2007

House Bill 3182

Relating to the creation of the Tradition Municipal Utility District No. 2 of Denton County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain

Author: Parker Sponsor: Nelson
Adds Special District Local Laws Code, Title 6, Chapter 8189

Creates Tradition Municipal Utility District No. 2 as a municipal utility district covering certain area in Denton County.

Effective Date: September 1, 2007

House Bill 3378

Relating to the requirements governing municipal consent to the creation or expansion of certain water districts

Author: Truitt Sponsor: Brimer
Amends Local Government Code, Title 2, Chapter 42, Section 42.042; Amends Water Code, Title 4, Chapter 54, Section 54.016

Allows Forth Worth to condition approval of the creation of a district within the city's jurisdiction on the district's meeting the city's fire flow requirements for any water facility constructed by the district serving land developed and subdivided into lots under one acre.

Effective Date: June 15, 2007

House Bill 3634

Relating to the name and powers of the Jefferson County Waterway and Navigation District

Author: Deshotel Sponsor: Williams
Amends and adds various sections of Acts of the 77th Legislature, Regular Session, 2001, Chapter 1472

Changes the district's name to "Sabine-Neches Navigation District of Jefferson County, Texas." Gives the district power to provide security and impose fees and tolls on vessels to pay security costs (other than ocean going vessels docking at a public dock of either the Port of Beaumont Navigation District of Jefferson County, Texas, or the Port of Port Arthur Navigation District of Jefferson County, Texas, absent an inter-district agreement to the contrary). Permits the district to

contract with other governmental authorities to provide security for the district.

Effective Date: June 15, 2007

House Bill 3979

Relating to the creation of the McKinney Municipal Utility Districts Nos. 1 and 2; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Laubenberg Sponsor: Estes
Adds Special District Local Laws Code, Title 6, Chapters 8223 and 8252

Creates McKinney Municipal Utility Districts Nos. 1 and 2 as municipal utility districts covering certain area in Collin County.

Effective Date: September 1, 2007

House Bill 3980

Relating to the navigation district powers and the confirmation of the Galveston County Municipal Utility District No. 67; providing authority to issue bonds

Author: Eiland Sponsor: Jackson, Mike
Amends Special District Local Laws Code, Title 6, Chapter 8151, Sections 8151.003, 8151.025 and 8151.201(a); adds Section 8151.106

Extends the deadline for confirmation by election until September 1, 2009; grants authority to issue bonds and other obligations for any district purpose; grants certain navigation district powers.

Effective Date: June 15, 2007

House Bill 3982

Relating to the creation of the Harris County Municipal Utility District No. 494; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Dutton Sponsor: Whitmire
Adds Special District Local Laws Code, Title 6, Chapter 8214

Creates Harris County Municipal Utility District No. 494 as a municipal utility district covering certain area in Harris County.

Effective Date: September 1, 2007

House Bill 3984

Relating to the creation of Double Platinum Ranch Water Control and Improvement District No. 1 of Grayson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Phillips Sponsor: Estes
Adds Special District Local Laws Code, Title 6, Chapter 9206

Creates Double Platinum Ranch Water Control and Improvement District No. 1 as a water control and improvement district covering certain area in Grayson County.

Effective Date: September 1, 2007

House Bill 3988

Relating to the creation of the Harris County Municipal Utility District No. 438; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Murphy Sponsor: Patrick, Dan
Adds to Special District Local Laws Code, Title 6, Chapter 8234

Creates Harris County Municipal Utility District No. 438 as a municipal utility district covering certain area in Harris County.

Effective Date: June 15, 2007

House Bill 3989

Relating to the creation of the Harris County Municipal Utility District No. 437; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Murphy Sponsor: Patrick, Dan
Adds Special District Local Laws Code, Title 6, Chapter 8235

Creates Harris County Municipal Utility District No. 437 as a municipal utility district covering certain area in Harris County.

Effective Date: June 15, 2007

House Bill 3990

Relating to the creation of the Burnet County Water Control and Improvement District No. 1; providing authority to impose a tax and issue bonds

Author: Aycock Sponsor: Fraser
Adds Special District Local Laws Code, Title 6, Chapter 9030

Creates Burnet County Water Control and Improvement District No. 1 as a municipal utility district covering certain area in Burnet County.

Effective Date: September 1, 2007

House Bill 3991

Relating to the creation of the Rolling V Ranch Water Control and Improvement District No. 1 of Wise County; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: King, Phil Sponsor: Estes
Adds Special District Local Laws Code, Title 6, Chapter 9021

Creates Rolling V Ranch Water Control and Improvement District No. 1 of Wise County as a municipal utility district covering certain area in Wise County.

Effective Date: September 1, 2007

House Bill 3995

Relating to the name, administration, powers and duties of the Collingsworth County Underground Water Conservation District

Author: Chisum Sponsor: Duncan
Amends Acts of the 69th Legislature, Regular Session, 1985, Chapter 376

Provides for the Collingsworth County Underground Water Conservation District to change its name by board resolution and limits the number of single-member districts allowed to eleven.

Effective Date: June 15, 2007

House Bill 3998

Relating to the creation of the Southeast Montgomery County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Creighton Sponsor: Williams
Adds Special District Local Laws Code, Title 6, Chapter 8241

Creates Southeast Montgomery County Municipal Utility District No. 1 as a municipal utility district covering certain area in Montgomery County.

Effective Date June 15, 2007

House Bill 4004

Relating to the creation of the International Management District; providing authority to impose assessments and taxes and to issue bonds

Author: Vo Sponsor: Ellis, Rodney
Adds Special District Local Laws Code, Title 4, Chapter 3849

Creates the International Management District to administer and provide funding for neighborhood improvement projects in the Alief area of Harris County.

Effective Date: June 15, 2007

House Bill 4006

Relating to the creation of Booth Ranch Municipal Utility District of Fort Bend County; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Olivo Sponsor: Janek
Adds Special District Local Laws Code, Title 6, Chapter 8242

Creates Booth Ranch Municipal Utility District of Fort Bend County as a municipal utility district covering certain area in Fort Bend County.

Effective Date: June 15, 2007

House Bill 4009

Relating to the name, directors, and elections of the Emerald Underground Water Conservation District

Author: Hilderbran Sponsor: Uresti
Amends Acts of the 71st Legislature, Regular Session, 1989, Chapter 712

Changes the name of the Emerald Underground Water Conservation District to the Crockett County Groundwater Conservation District; changes the location and timing of elections.

Effective Date: September 1, 2007

House Bill 4010

Relating to the creation of the Cade Ranch Water Control and Improvement District No. 1 of Galveston County; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Eiland Sponsor: Janek
Adds Special District Local Laws Code, Title 6, Chapter 9024

Creates Cade Ranch Water Control and Improvement District No. 1 of Galveston County as a water control and improvement district covering certain area in Galveston County.

Effective Date: September 1, 2007

House Bill 4015

Relating to the powers and duties of the East Montgomery County Improvement District; providing authority to impose a tax

Author: Otto
Amends Acts of the 75th Legislature, Regular Session, 1997, Chapter 1316

Allows the district to impose a hotel occupancy tax. Allows the district to create economic development zones. Allows the district to provide for community venue projects and to impose event admissions taxes and event parking taxes.

Effective Date: June 15, 2007

House Bill 4017

Relating to the creation of the Harris County Municipal Utility District No. 510; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Smith, Wayne Sponsor: Whitmire
Adds Special District Local Laws Code, Title 6, Chapter 8240

Creates Harris County Municipal Utility District No. 510 as a municipal utility district covering certain area in Harris County.

Effective Date: The date on or after September 1, 2007, on which all of the territory described in Section 2 of the Act is annexed into the City of Baytown. If annexation occurs before September 1, 2007, the Act takes effect September 1, 2007.

House Bill 4018

Relating to the powers and duties of the Harris County Municipal Utility District No. 416; providing authority to impose a tax and issue bonds

Author: Van Arsdale Sponsor: Patrick, Dan

Adds Special District Local Laws Code, Title 6, Chapter 8255

Grants certain road powers to Harris County Municipal Utility District No. 416 and gives authority to issue bonds in connection with the same.

Effective Date: June 15, 2007

House Bill 4019

Relating to the powers and duties of the Cinco Southwest Municipal Utility District No. 4; providing authority to impose a tax and issue bonds

Author: Zerwas Sponsor: Hegar
Adds Special District Local Laws Code, Title 6, Chapter 8827

Grants certain road powers to Cinco Southwest Municipal Utility District No. 4 and gives authority to issue bonds in connection with the same.

Effective Date: June 15, 2007

House Bill 4022

Relating to the powers and duties of the Fort Bend County Municipal Utility District No. 58; providing authority to impose a tax and issue bonds

Author: Zerwas Sponsor: Hegar
Adds Special District Local Laws Code, Title 6, Chapter 8253

Grants certain road powers to Fort Bend County Municipal Utility District No. 58 and gives authority to issue bonds in connection with the same.

Effective Date: June 15, 2007

House Bill 4024

Relating to the creation of the Fort Bend County Municipal Utility District No. 190; providing authority to impose a tax and issue bonds

Author: Zerwas Sponsor: Hegar
Adds Special District Local Laws Code, Title 6, Chapter 8233

Creates Fort Bend County Municipal Utility District No. 190 as a municipal utility district covering certain area in Fort Bend County.

Effective Date: June 15, 2007

House Bill 4028

Relating to the creation of the Northern Trinity Groundwater Conservation District

Author: Geren Sponsor: Brimer
Adds Special District Local Laws Code, Title 6, Chapter 8820

Creates Northern Trinity Groundwater Conservation District as a groundwater conservation district covering certain area in Tarrant County.

Effective Date: June 15, 2007

House Bill 4029

Relating to the creation of the Lavaca County Groundwater Conservation District; providing authority to impose a tax

Author: Morrison Sponsor: Hegar
Adds Special District Local Laws Code, Title 6, Chapter 8822

Creates Lavaca County Groundwater Conservation District as a groundwater conservation district covering certain area in Lavaca County.

Effective Date: June 15, 2007

House Bill 4031

Relating to the creation of the Brazoria County Municipal Utility District No. 62; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Bonnen Sponsor: Jackson, Mike
Adds Special District Local Laws Code, Title 6, Chapter 8213

Creates Brazoria County Municipal Utility District No. 62 as a municipal utility district covering certain area in Brazoria County.

Effective Date: September 1, 2007

House Bill 4032

Relating to the creation of the Colorado County Groundwater Conservation District; providing authority to impose a tax and issue bonds

Author: Cook, Robby Sponsor: Hegar
Adds Special District Local Laws Code, Title 6, Chapter 8824

Creates Colorado County Groundwater Conservation District as a groundwater conservation district covering certain area in Colorado County.

Effective Date: June 15, 2007

House Bill 4038

Relating to the powers and duties of the Harris County Municipal Utility District No. 473; providing authority to impose a tax and issue bonds

Author: Howard, Charlie Sponsor: Whitmire
Adds Special District Local Laws Code, Title 6, Chapter 8250

Grants certain road powers to Harris County Municipal Utility District No. 473 and gives authority to issue bonds in connection with the same.

Effective Date: June 15, 2007

House Bill 4041

Relating to the powers and duties of the Sunfield Municipal Utility District No. 3 regarding elections and road projects; providing authority to impose a tax and issue bonds

Author: Rose Sponsor: Wentworth
Adds Special District Local Laws Code, Title 6, Chapter 8201

Grants certain road powers to Sunfield Municipal Utility District No. 3 and gives authority to impose taxes and issue bonds in connection with the same.

Effective Date: This Ain't a Scene, It's an Arms Race

House Bill 4042

Relating to the powers and duties of the Sunfield Municipal Utility District No. 4 regarding elections and road projects; providing authority to impose a tax and issue bonds

Author: Rose Sponsor: Wentworth

Adds Special District Local Laws Code, Title 6, Chapter 8202

Grants certain road powers to Sunfield Municipal Utility District No. 4 and gives authority to impose taxes and issue bonds in connection with the same.

Effective Date: June 15, 2007

House Bill 4043

Relating to the powers and duties of the Sunfield Municipal Utility District No. 1 regarding elections and road projects; providing authority to impose a tax and issue bonds

Author: Rose Sponsor: Wentworth
Adds Special District Local Laws Code, Title 6, Chapter 8200.

Grants certain road powers to Sunfield Municipal Utility District No. 1 and gives authority to impose taxes and issue bonds in connection with the same.

Effective Date: June 16, 2007

House Bill 4044

Relating to the qualifications and method of electing directors of the Mustang Special Utility District

Author: Parker Sponsor: Estes
Adds Special District Local Laws Code, Title 6, Chapter 7209

Changes the eligibility requirements for directors of Mustang Special Utility District.

Effective Date: September 1, 2007

House Bill 4045

Relating to the creation of the Towne Lake Management District; providing authority to levy an assessment, impose a tax, and issue bonds

Author: Callegari Sponsor: Patrick, Dan
Adds Special District Local Laws Code, Title 6, Chapter 3839

Creates Towne Lake Management District as a special district covering certain area in Harris County.

Effective Date: June 15, 2007

House Bill 4046

Relating to the creation of the Montgomery County

impose a tax and issue bonds; granting the power of eminent domain

Author: Eiland Sponsor: Jackson, Mike
Adds Special District Local Laws Code, Title 6, Chapter 8216

Creates the Galveston County Municipal Utility District No. 65 as a municipal utility district covering certain area in Galveston County.

Effective Date: June 15, 2007

House Bill 4072

Relating to the creation of the 3 B&J Municipal Utility District; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Gattis Sponsor: Ogden
Adds Special District Local Laws Code, Title 6, Chapter 8221

Creates the 3 B & J Municipal Utility District No. 65 as a municipal utility district covering certain area in Williamson County.

Effective Date: June 15, 2007

House Bill 4074

Relating to the creation of the Montgomery County Municipal Utility District No. 102; providing authority to impose taxes and issue bonds

Author: Eissler Sponsor: Williams
Adds Special District Local Laws Code, Title 6, Chapter 8263

Creates the Montgomery County Municipal Utility District No. 102 as a municipal utility district covering certain area in Montgomery County.

Effective Date: June 15, 2007

House Bill 4079

Relating to the creation of the Montgomery County Municipal Utility District No. 119; providing authority to impose taxes and issue bonds

Author: Eissler Sponsor: Williams
Adds Special District Local Laws Code, Title 6, Chapter 8269

Creates Montgomery Municipal Utility District No. 119 as a municipal utility district covering certain area in

Montgomery County.

Effective Date: June 15, 2007

House Bill 4080

Relating to the creation of the Harris County Municipal Utility District No. 509; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Talton Sponsor: Jackson, Mike
Adds Special District Local Laws Code, Title 6, Chapter 8217

Creates Harris County Municipal Utility District No. 509 as a municipal utility district covering certain area in Harris County.

Effective Date: June 15, 2007

House Bill 4083

Relating to the creation of the Montgomery County Municipal Utility District No. 117; providing authority to impose taxes and issue bonds

Author: Eissler Sponsor: Williams
Adds Special District Local Laws Code, Title 6, Chapter 8268

Creates Montgomery County Municipal Utility District No. 117 as a municipal utility district covering certain area in Montgomery County.

Effective Date: June 15, 2007

House Bill 4084

Relating to the creation of the Montgomery County Municipal Utility District No. 120; providing authority to impose taxes and issue bonds

Author: Eissler Sponsor: Williams
Adds Special District Local Laws Code, Title 6, Chapter 8267

Creates Montgomery County Municipal Utility District No. 120 as a municipal utility district covering certain area in Montgomery County.

Effective Date: June 15, 2007

House Bill 4085

Relating to the creation of the Triple Creek Municipal Management District; providing authority to levy an assessment, impose a tax, and issue bonds

Author: Laubenberg Sponsor: Deuell
Adds Special District Local Laws Code, Title 4, Chapter 3851

Creates Triple Creek Municipal Management District as a special district covering certain area in Kaufman County and Rockwall County.

Effective Date: June 15, 2007

House Bill 4091

Relating to the boundaries and board of directors of Harris County Improvement District Number 6

Author: Coleman Sponsor: Ellis, Rodney
Amends Special District Local Laws Code, Title 4, Chapter 3843, Section 3843.051; Amends Acts of the 79th Legislature, Regular Session, 2005, Chapter 769, Section 2

Modifies number of directors and the length of their terms. Modifies the district's boundaries.

Effective Date: June 15, 2007

House Bill 4093

Relating to the creation of the Chambers-Liberty Counties Improvement District; providing authority to impose a tax and issue bonds

Author: Otto Sponsor: Williams
Adds Special District Local Laws Code, Title 4, Chapter 3857

Creates Chambers-Liberty Counties Improvement District as a special district covering certain area in Liberty County and Chambers County.

Effective Date: June 16, 2007

House Bill 4096

Relating to the creation of the King's Crossing Municipal Utility District of Grayson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Phillips Sponsor: Estes
Adds Special District Local Laws Code, Title 6, Chapter 8251

Creates King's Crossing Municipal Utility District as a municipal utility district covering certain area in Grayson County.

Effective Date: June 16, 2007

House Bill 4097

Relating to the creation of the Gunter Municipal Utility District No. 2; providing authority to impose taxes and issue bonds

Author: Phillips Sponsor: Estes
Adds Special District Local Laws Code, Title 6, Chapter 8239

Creates Gunter Municipal Utility District No. 2 as a municipal utility district covering certain area in Grayson County.

Effective Date: June 16, 2007

House Bill 4098

Relating to the creation of the Gunter Municipal Utility District No. 1; providing authority to impose taxes and issue bonds

Author: Phillips Sponsor: Estes
Adds Special District Local Laws Code, Title 6, Chapter 8238

Creates Gunter Municipal Utility District No. 1 as a municipal utility district covering certain area in Grayson County.

Effective Date: June 16, 2007

House Bill 4099

Relating to the creation of the Preston Summit Municipal Utility District No. 1 of Grayson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Phillips Sponsor: Estes
Adds Special District Local Laws Code, Title 6, Chapter 8254

Creates Preston Summit Municipal Utility District No. 1 as a municipal utility district covering certain area in Grayson County.

Effective Date: September 1, 2007

House Bill 4101

Relating to the powers of the Talley Ranch Water Control and Improvement District No. 1 of Denton County; providing authority to impose a tax and issue bonds

Amends various sections of Acts of the 78th Legislature, Regular Session, 2003, Chapter 772

Clarifies definitions for the defined terms and fees associated with the Brazoria County Groundwater Conservation District.

Effective Date: June 15, 2007

House Bill 4134

Relating to the creation of the Harris County Improvement District No. 10; providing authority to impose a tax and issue bonds

Author: Miles Sponsor: Ellis, Rodney
Adds Special District Local Laws Code, Title 4, Chapter 3860

Creates Harris County Improvement District No. 10 as a special district covering certain area in Harris County.

Effective Date: June 15, 2007

Senate Bill 323

Relating to the creation of the Fairfields Municipal Utility District of Kaufman County; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Deuell Sponsor: Brown, Betty
Adds Special District Local Laws Code, Title 6, Chapter 8162

Creates the Fairfields Municipal Utility District as a municipal utility district covering portions of Kaufman County.

Effective Date: June 15, 2007

Senate Bill 404

Relating to the Bee Groundwater Conservation District

Author: Zaffirini Sponsor: Gonzales, Toureilles
Adds Special District Local Laws Code Title 6, Chapter 8804

Codifies the legislation creating the Bee Groundwater Conservation District in the Special District Local Laws Code.

Effective Date: May 23, 2007.

Senate Bill 564

Relating to the name of the Calhoun County Navigation District

Author: Heger Sponsor: Garcia
Amends various sections of Acts of the 53rd Legislature, Regular Session, 1953, Chapter 195

Changes the name of the district to “The Calhoun Port Authority”.

Effective Date: June 15, 2007

Senate Bill 585

Relating to the authority of the Edwards Aquifer Authority to adopt rules relating to fire control

Author: Van de Putte Sponsor: Leibowitz
Adds Section 1.081 to Acts of the 73rd Legislature, Regular Session, 1993, Chapter 626

Clarifies the Board of Directors’ responsibility to adopt rules for fire control in the aquifer’s recharge zone.

Effective Date: Unless vetoed, the earlier of (i) June 17, 2007, (ii) the date the Governor signs, and (iii) the date the Governor files with the Secretary of State

Senate Bill 610

Relating to the boundaries, powers, and governance of the Salt Fork Water Quality District

Author: Duncan Sponsor: Heflin
Amends various sections of Acts of the 76th Legislature, Regular Session, 1999, Chapter 1139

Amends the boundaries of Salt Fork Water District to include Kent County and parts of Scurry and Garza Counties and adds additional powers for the District.

Effective Date: June 15, 2007

Senate Bill 671

Relating to territory included in, and the validation of acts of, the Greater Southeast Management District

Author: Ellis, Rodney Sponsor: Miles
Repeals Acts of the 79th Legislature, Regular Session Chapter 861, Section 4, Subsections (a) and (d)

The 79th Legislature removed state representative district 146 from the Greater Southeast Management District (covering portions of Harris County). SB 671 re-inserts district 146 into the District.

Effective Date: May 18, 2007

Senate Bill 682

Relating to the creation of the Fulshear Municipal Utility District No. 1 of Fort Bend County; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Heger Sponsor: Zerwas
Adds Special District Local Laws Code, Title 6, Chapter 8207

Creates the Fulshear Municipal Utility District No. 1 as a municipal utility district covering portions of the City of Fulshear, Fort Bend County.

Effective Date: September 1, 2007

Senate Bill 683

relating to the creation and powers of the Fort Bend County Municipal Utility District No. 182, including powers related to the construction, maintenance, operation, and financing of roads or turnpikes; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Heger Sponsor: Zerwas
Adds Special District Local Laws Code, Title 6, Chapter 8176

Grants certain road powers to Fort Bend County Municipal Utility District No. 182 and gives authority to impose taxes and issue bonds in connection with the same.

Effective Date: September 1, 2007

Senate Bill 684

Relating to the creation of the Waller County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Heger Sponsor: Zerwas
Adds Special District Local Laws Code, Title 6, Chapter 8205

Creates Waller County Municipal Utility District No. 1 as a municipal utility district covering portions of Waller County

Effective Date: September 1, 2007

Senate Bill 707

Relating to the powers and duties of the Rio Grande Regional Water Authority and the establishment of a member conference

Author: Lucio Sponsor: Flores
Amends various sections of Acts of the 78th Legislature, Regular Session 2003, Chapter 385.

Clarifies terms, fees assessed and water rights associated with the Rio Grande Regional Water Authority. Creates advisory and irrigation district committees. Alters the number and qualifications for the board of directors.

Effective Date: September 1, 2007

Senate Bill 747

Relating to the authority of the Barton Springs-Edwards Aquifer Conservation District to charge certain fees and limit groundwater production during a drought

Author: Watson Sponsor: Bolton
Amends Water Code, Title 2, Chapter 36, Section 36.205; Amends various sections of Special District Local Laws Code, Title 6, Chapter 8802

Caps the annual production fee that may be assessed by Barton Springs-Edwards Aquifer Conservation District and creates water restrictions that apply during droughts.

Effective Date: September 1, 2007.

Senate Bill 748

Relating to the dissolution of the Aransas County Conservation and Reclamation District

Author: Heger Sponsor: Garcia
Repeals Special District Local Laws Code, Title 6, Chapter 9302

Dissolves Aransas County Conservation and Reclamation District.

Effective Date: June 15, 2007

Senate Bill 853

Relating to the creation, administration, powers, duties, functions, operations, and financing of the San Jacinto Special Utility District; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Nichols Sponsor: McReynolds
Adds Special District Local Laws Code, Title 6, Chapter

7211

Creates San Jacinto Special Utility District as a special utility district covering portions of San Jacinto County.

Effective Date: June 15, 2007

Senate Bill 878

Relating to residential property exemptions from taxes, assessments, and impact fees in the Greater East End Management District

Author: Gallegos Sponsor: Coleman
Amends Special District Local Laws Code, Title 4, Chapter 3807, Section 3807.157

Clarifies what types of properties on which the District may not impose a tax, assessment, or impact fee.

Effective Date: June 15, 2007

Senate Bill 1041

Relating to the creation of the Los Fresnos Municipal Utility District No. 2 of Cameron County; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Lucio Sponsor: Lucio
Adds Special District Local Laws Code, Title 6, Subtitle F, Chapter 8175

Creates Los Fresnos Municipal Utility District No. 2 as a municipal utility district covering portions of Cameron County.

Effective Date: September 1, 2007

Senate Bill 1069

Relating to the creation of the Fort Bend County Municipal Utility District No. 183, providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Janek Sponsor: Olivo
Adds Special District Local Laws, Title 6 Chapter 8208

Creates Fort Bend County Municipal Utility District No. 183 as a municipal utility district covering portions of Fort Bend County.

Effective Date: September 1, 2007

Senate Bill 1070

Relating to the creation of Booth Ranch Municipal Utility District of Fort Bend County, Texas; providing authority to impose taxes and issue bonds; granting the power of eminent domain

Author: Janek Sponsor: Olivo
Adds Special District Local Laws Code, Title 6, Chapter 8242

Creates Booth Ranch Municipal Utility District as a municipal utility district covering portions of Fort Bend County.

Effective Date: June 15, 2007

Senate Bill 1071

Relating to the creation of Cade Ranch Water Control and Improvement District No. 1 of Galveston County; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Janek Sponsor: Eiland
Adds Special District Local Laws Code, Title 6, Chapter 9009

Creates Cade Ranch Water Control and Improvement District No. 1 as a water control and improvement district covering certain area in Galveston County.

Effective Date: This Act takes effect September 1, 2007.

Senate Bill 1091

Relating to the creation of the Somerset Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Nicholas Sponsor: McReynolds
Adds Special District Local Laws Code, Title 6, Chapter 8203

Creates Somerset Municipal Utility District No. 1 as a municipal utility district covering certain area in San Jacinto County.

Effective Date: June 15, 2007

Senate Bill 1092

Relating to the creation of the Somerset Municipal Utility District No. 2; providing authority to impose a tax and issue bonds

Author: Nicholas Sponsor: McReynolds

Adds Special District Local Laws Code, Title 6, Chapter 8204

Creates Somerset Municipal Utility District No. 2 as a municipal utility district covering certain area in San Jacinto County.

Effective Date: June 15, 2007

Senate Bill 1123

Relating to the creation and authority of Harris County Improvement District No. 8; providing authority to impose taxes and issue bonds

Author: Ellis, Rodney Sponsor: Flores
Adds Special District Local Laws Code, Title 4, Chapter 3848

Creates Harris County Improvement District No. 8 as a special district covering certain area in Harris County.

Effective Date: June 15, 2007

Senate Bill 1205

Relating to the powers and duties of the Kaufman County Municipal Utility District Nos. 2, 3, 4, 5, 6, and 7; providing authority to impose a tax and issue bonds

Author: Deuell Sponsor: Brown, Betty
Adds Special District Local Laws Code, Title 6, Chapters 8193, 8194, 8195, 8196, 8197, and 8209

Grants certain road powers to these districts and gives authority to impose taxes and issue bonds in connection with the same.

Effective Date: September 1, 2007

Senate Bill 1245

Relating to the creation of Kendall County Water Control and Improvement District No. 2; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Wentworth Sponsor: Macias
Adds Special District Local Laws Code, Title 6, Chapter 9022

Creates Kendall County Water Control and Improvement District No. 2 as a water control and improvement district covering certain area in Kendall County.

Effective Date: September 1, 2007

Senate Bill 1439

Relating to the annexation powers of the West Fort Bend Management District

Author: Hegar Sponsor: Callegari
Adds Special District Local Laws Code, Title 4, Chapter 3835, Section 3835.109

Empowers the district to annex area in the corporate limits or extraterritorial jurisdictions of the City of Rosenberg or the City of Richmond under certain conditions. Single family residences may not be annexed.

Effective Date: June 15, 2007

Senate Bill 1660

Relating to the creation of the Travis-Creedmoor Municipal Utility District; providing authority to impose taxes and issue bonds; granting the power of eminent domain

Author: Wentworth Sponsor: Rodriguez
Adds Special District Local Laws Code, Title 6, Chapter 8163

Creates Travis-Creedmoor Municipal Utility District as a municipal utility district covering certain area in Travis County.

Effective Date: June 15, 2007

Senate Bill 1661

Relating to the creation, administration, powers, duties, functions, operations, and financing of the GoForth Special Utility District; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Wentworth Sponsor: Rose
Adds Special District Local Laws Code, Title 6, Chapter 7212

Creates the GoForth Special Utility District as a special utility district covering certain area in Hayes, Caldwell, and Travis Counties. Dissolves the GoForth Water Supply Corporation.

Effective Date: June 15, 2007

Senate Bill 1743

Relating to the powers of the Red River Redevelopment Authority; providing authority to issue bonds.

Adds Special District Local Laws Code, Title 4, Chapter 3503, Sections 3503.1015, 3503.108, 3503.155

Author: Eltife Sponsor: Foster

Grants the Red River Redevelopment Authority the powers of "unit" (as defined by Article 5190.6, Vernon's Texas Civil Statutes), of an emergency services district, and of a rural or urban transit district. Denies the power to tax and limits the power of eminent domain.

Effective Date: June 15, 2007

Senate Bill 1833

Relating to the administration and powers of the Canadian River Municipal Water Authority

Author: Duncan Sponsor: Swinford
Amends Acts of the 53rd Legislature, Regular Session, 1953, Chapter 243

Updates the powers and authority of the Canadian River Municipal Water Authority.

Effective Date: September 1, 2007

Senate Bill 1942

Relating to the creation of the Gastonia-Scurry Special Utility District; providing authority to impose taxes and issue bonds; granting the power of eminent domain

Author: Deuell Sponsor: Brown, Betty
Adds Special District Local Laws Code, Title 6, Chapter 7213

Creates the Gastonia-Scurry Special Utility District as a special utility district covering certain area in Kaufman County.

Effective Date: June 15, 2007

Senate Bill 1946

Relating to the creation of the Hardin Store Road Municipal Utility District No. 1 of Montgomery County; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Nichols Sponsor: Rose
Adds Special District Local Laws Code, Title 6, Chapter 8245

Creates the Hardin Store Road Municipal Utility District No.1 as a municipal utility district covering certain area in Montgomery County.

Effective Date: September 1, 2007

Senate Bill 1950

Relating to the name, governing body, and boundaries of the Tri-County Groundwater Conservation District

Author: Duncan Sponsor: Hardcastle
Amends Acts of the 76th Legislature, Regular Session, 1999, Chapter 1331; Amends Acts of the 77th Legislature, Regular Session, 2001, Chapter 1352

Changes the name of the Tri-County Groundwater District to the Gateway Groundwater Conservation District. Makes clear the boundaries of the district are coextensive only with the boundaries of Foard and Hardeman counties (not Wilbarger county). Gives the district authority to annex territory.

Effective Date: May 23, 2007

Senate Bill 1953

Relating to the name, commissioners, and powers of the Aransas County Navigation District No. 1

Author: Hegar Sponsor: Garcia
Amends Special District Local Laws Code, Title 6, Chapter 5001

Deletes "No. 1" from the name of the Aransas County Navigation District No. 1. Gives the district power to purchase or lease property in the same manner as a county. Alters the district's election schedule to more closely match the Aransas County Commissioners' election schedule. Staggers and lengthens terms of district commissioners.

Effective Date: September 1, 2007

Senate Bill 1954

Relating to the creation of the Waller County Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Hegar Sponsor: Zerwas
Adds Special District Local Laws Code, Title 6, Chapter 8236

Creates the Waller County Municipal Utility District No. 2 as a municipal utility district covering certain area in Waller County.

Effective Date: June 15, 2007

Senate Bill 1955

Relating to the creation of the Waller County Municipal Utility District No. 3; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Hegar Sponsor: Zerwas
Adds Special District Local Laws Code, Title 6, Chapter 8237

Creates the Waller County Municipal Utility District No. 3 as a municipal utility district covering certain area in Waller County.

Effective Date: June 15, 2007

Senate Bill 1960

Relating to the creation of the Lamar Improvement District; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Hegar Sponsor: Garcia
Adds Special District Local Laws Code, Title 6, Chapter 8222

Creates the Lamar Improvement District as a municipal utility district covering certain area in Aransas County.

Effective Date: Unless vetoed, the earlier of (i) June 17, 2007, (ii) the date the Governor signs, and (iii) the date the Governor files with the Secretary of State.

Senate Bill 1961

Relating to the creation of the Willow Creek Farms Municipal Utility District; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Hegar Sponsor: Zerwas
Adds Special District Local Laws Code, Title 6, Chapter 8218

Creates the Willow Creek Farms Municipal Utility District as a municipal utility district covering certain area in Waller County.

Effective Date: June 15, 2007

Senate Bill 1963

Relating to the creation of the Montgomery County Municipal Utility District No. 113; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Nichols Sponsor: Creighton

Adds Special District Local Laws Code, Title 6, Chapter 8212

Creates the Montgomery County Municipal Utility District No. 113 as a municipal utility district covering certain area in Montgomery County.

Effective Date: June 15, 2007

Senate Bill 1964

Relating to the creation of the Montgomery County Municipal Utility District No. 114; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Nichols Sponsor: Creighton
Adds Special District Local Laws Code, Title 6, Chapter 8210

Creates the Montgomery County Municipal Utility District No. 114 as a municipal utility district covering certain area in Montgomery County.

Effective Date: June 15, 2007

Senate Bill 1965

Relating to the creation of the Montgomery County Municipal Utility District No. 121; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Nichols Sponsor: Creighton
Adds Special District Local Laws Code, Title 6, Chapter 8211

Creates the Montgomery County Municipal Utility District No. 121 as a municipal utility district covering certain area in Montgomery County.

Effective Date: June 15, 2007

Senate Bill 1966

Relating to the creation of the Montgomery County Municipal Utility District No. 123; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Nichols Sponsor: Creighton
Adds Special District Local Laws Code, Title 6, Chapter 8206

Creates Montgomery County Municipal Utility District No. 123 as a municipal utility district covering certain area in Montgomery County.

Effective Date: June 15, 2007

Senate Bill 1967

Relating to the creation of the Montgomery County Municipal Utility District No. 124; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Nichols Sponsor: Creighton
Adds Special District Local Laws Code, Title 6, Chapter 8232

Creates Montgomery County Municipal Utility District No. 124 as a municipal utility district covering certain area in Montgomery County.

Effective Date: June 15, 2007

Senate Bill 1969

Relating to the creation of the Las Damas Management District; providing authority to levy an assessment, impose a tax, and issue bonds

Author: Hegar Sponsor: Kolkhorst
Adds Special District Local Laws Code, Title 4, Chapter 3836

Creates the Las Damas Management District as a special district covering certain area in Austin and Washington Counties.

Effective Date: June 15, 2007

Senate Bill 1974

Relating to the powers and duties of the Harris County Municipal Utility District No. 473; providing authority to impose a tax and issue bonds

Author: Whitmire Sponsor: Howard, Charlie
Adds Special District Local Laws Code, Title 6, Chapter 8250

Grants certain road powers to Harris County Municipal Utility District No. 473 as well as authority to issue bonds and impose taxes in connection with the same.

Effective Date: June 15, 2007

Senate Bill 1977

Relating to the creation of Fort Bend County Municipal Utility District No. 189; providing authority to impose taxes and issue bonds; granting the power of eminent domain

Author: Janek Sponsor: Olivo
Adds Special District Local Laws Code, Title 6, Chapter 8210

Creates Fort Bend County Municipal Utility District No. 189 as a municipal utility district covering certain area in Fort Bend County.

Effective Date: May 22, 2007

Senate Bill 1982

Relating to the creation of the York Valley Municipal Utility District; providing authority to impose taxes and issue bonds; granting the power of eminent domain

Author: Wentworth Sponsor: Kuempel
Adds Special District Local Laws Code, Title 6, Chapter 8247

Creates the York Valley Municipal Utility District as a municipal utility district certain area in Guadalupe County.

Effective Date: May 23, 2007

Senate Bill 1983

Relating to the creation of the Upper Trinity Groundwater Conservation District; providing authority to issue bonds

Author: Estes Sponsor: King, Phil
Adds Special District Local Laws Code, Title 6, Chapter 8830

Creates the Upper Trinity Groundwater Conservation District groundwater conservation district covering the counties of Hood, Montague, Parker and Wise.

Effective Date: June 15, 2007

Senate Bill 1984

Relating to the creation of the Spectrum Management District; providing authority to levy and assessment, impose a tax, and issue bonds

Author: Ellis, Rodney Sponsor: Allen, Alma
Adds Special District Local Laws Code, Title 4, Chapter 3840

Creates the Spectrum Management District as a special district covering certain areas in the City of Pearland in Harris County.

Effective Date: June 15, 2007

Senate Bill 1985

Relating to the creation of the McLennan County Groundwater Conservation District; providing authority to impose a tax and issue bonds

Author: Averitt Sponsor: Dunnam
Adds Special District Local Laws Code, Title 6, Chapter 8821

Creates the McLennan County Groundwater Conservation District as a groundwater conservation district covering all of McLennan County.

Effective Date: June 15, 2007

Senate Bill 1986

Relating to the powers and duties of the Cinco Southwest Municipal Utility District No. 1; providing authority to impose a tax and issue bonds

Author: Hegar Sponsor: Zerwas
Adds Special District Local Laws Code, Title 6, Chapter 8224

Grants certain road powers to Cinco Southwest Municipal Utility District No. 1, as well as authority to issue bonds and impose taxes in connection with the same.

Effective Date: June 15, 2007

Senate Bill 1987

Relating to the powers and duties of the Cinco Southwest Municipal Utility District No. 2; providing authority to impose a tax and issue bonds

Author: Hegar Sponsor: Zerwas
Adds Special District Local Laws Code, Title 6, Chapter 8225

Grants certain road powers to Cinco Southwest Municipal Utility District No. 2, as well as authority to issue bonds and impose taxes in connection with the same.

Effective Date: June 15, 2007

Senate Bill 1988

Relating to the powers and duties of the Cinco Southwest Municipal Utility District No. 3; providing authority to impose a tax and issue bonds

Author: Hegar Sponsor: Zerwas

Adds Special District Local Laws Code, Title 6, Chapter 8226

Grants certain road powers to Cinco Southwest Municipal Utility District No. 3, as well as authority to issue bonds and impose taxes in connection with the same.

Effective Date: June 15, 2007

Senate Bill 1989

Relating to the powers and duties of the Cinco Southwest Municipal Utility District No. 4; providing authority to impose a tax and issue bonds

Author: Hegar Sponsor: Zerwas
Adds Special District Local Laws Code, Title 6, Chapter 8227

Grants certain road powers to Cinco Southwest Municipal Utility District No. 4, as well as authority to issue bonds and impose taxes in connection with the same.

Effective Date: June 15, 2007

Senate Bill 1990

Relating to the creation of the Calhoun County Municipal Utility District No. 1; granting the power of eminent domain

Author: Hegar Sponsor: Garcia
Adds Special District Local Laws Code, Title 6, Chapter 8231

Creates Calhoun County Municipal Utility District No. 1 as a municipal utility district covering certain area in Calhoun County.

Effective Date: June 15, 2007

Senate Bill 1991

Relating to the powers and duties of the Fort Bend County Municipal Utility District No. 58; providing authority to impose a tax and issue bonds

Author: Hegar Sponsor: Zerwas
Adds Special District Local Laws Code, Title 6, Chapter 8253

Grants certain road powers to Fort Bend County Municipal Utility District No. 58, as well as authority to issue bonds and impose taxes in connection with the same.

Effective Date: June 15, 2007

Senate Bill 1993

Relating to the validation of acts and proceedings of the Lake View Management and Development District and the division of the district into two or more districts

Author: Nichols Sponsor: Flynn
Adds Special District Local Laws Code, Title 4, Chapter 3828, Section 3828.112

Grants authority for the Lake View Management and Development District to be divided into two or more new districts under certain conditions and providing that any new district remain within Henderson County.

Effective Date June 15, 2007

Senate Bill 1997

Relating to the creation of the Galveston County Municipal Utility District No. 65; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Jackson, Mike Sponsor: Eiland
Adds Special District Local Laws Code, Title 6, adds Chapter 8216

Creates Galveston County Municipal Utility District No. 65 as a municipal utility district covering certain area in Galveston County.

Effective Date: June 15, 2007

Senate Bill 1999

Relating to the creation of the NASA Area Management District; providing authority to impose an assessment, impose a sales and use tax, and issue bonds

Author: Jackson, Mike Sponsor: Davis, John
Adds Special District Local Laws Code, Title 4, Chapter 3842

Creates the NASA Area Management District as a special district covering certain area in Harris County.

Effective Date: June 15, 2007

Senate Bill 2002

Relating to the creation of the Rolling V Ranch Water Control and Improvement District No. 1 of Wise County; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Estes Sponsor: King, Phil
Adds Special District Local Laws Code, Title 6, Chapter 9021

Creates the Rolling V Ranch Water Control and Improvement District No. 1 of Wise County as a water control and improvement district covering certain area in Wise County.

Effective Date: September 1, 2007.

Senate Bill 2020

Relating to the creation of the Randall County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain

Author: Seliger Sponsor: Smithee
Adds Special District Local Laws Code, Title 6, Chapter 8248

Creates Randall County Municipal Utility District No. 1 as a municipal utility district covering certain area in Randall County, Texas.

Effective Date: June 15, 2007

Senate Bill 2042

Relating to the authority of the New Sweden Municipal Utility District No. 1 and municipalities with extraterritorial jurisdiction in the district to enter into annexation and tax allocation agreements

Author: Watson Sponsor: Strama
Adds Special District Local Laws Code, Title 6, Chapter 8159

Allows the City of Pflugerville to annex less than all of the New Sweden Municipal Utility District No. 1; provides for tax allocations between the City and the District.

Effective Date: June 15, 2007

Senate Bill 2043

Relating to the authority of the New Sweden Municipal Utility District No. 2 and municipalities with extraterritorial jurisdiction in the district to enter into annexation and tax allocation agreements

Author: Watson Sponsor: Strama
Adds Special District Local Laws Code, Title 6, Chapter 8160



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APPENDIX C**IDENTIFYING THE WATER LAW PLAYERS**

<i>Rank</i>	<i>Legislator</i>	<i>District</i>	<i>Authored</i>	<i>Sponsored</i>	<i>Total</i>
1	Puente	H 119	9	4	13
2	Averitt	S 22	2	7	9
3	Duncan	S 28	3	3	6
4T	Bonnen	H 25	3	2	5
4T	Selinger	S 31	2	3	5
4T	Hegar	S 18	0	5	5
7T	Swinford	H 87	4	0	4
7T	Callegari	H 132	3	1	4
7T	Creighton	H 16	3	1	4
7T	West, Royce	S 23	1	3	4
7T	Brimer	S 10	0	4	4
12T	Smith, Wayne	H 128	3	0	3
12T	Hilderbran	H 53	2	1	3
12T	Wentworth	S 25	1	2	3
12T	Uresti	S 19	1	2	3
16T	Truitt	H 98	2	0	2
16T	Phillips	H 62	2	0	2
16T	Isett	H 84	2	0	2
16T	Lucio	H 38	2	0	2
16T	Fraser	S 24	1	1	2
16T	Watson	S 14	1	1	2
16T	Shapleigh	S 29	1	1	2
16T	Guillen	H 31	0	2	2
16T	Jackson, Mike	S 11	0	2	2
16T	Nichols	S 3	0	2	2
16T	Ellis	S 13	0	2	2
16T	Janek	S 17	0	2	2
16T	Hinjosa	S 20	0	2	2

16T	Morrison	H 30	0	2	2
30T	Gallegos	S 6	1	0	1
30T	Otto	H 18	1	0	1
30T	Chisum	H 88	1	0	1
30T	Turner	H 139	1	0	1
30T	Zaffirini	S 21	1	0	1
30T	Carona	S 16	1	0	1
30T	Bailey	H 140	1	0	1
30T	McReynolds	H 12	1	0	1
30T	Kolkurst	H 13	1	0	1
30T	Hancock	H 91	1	0	1
30T	Gonzalez Toureilles	H 35	1	0	1
30T	Hill	H 112	1	0	1
30T	Herrero	H 34	1	0	1
30T	Williamson	S 4	1	0	1
30T	Haggerty	H 78	1	0	1
30T	Deshotel	H 22	1	0	1
30T	Pickett	H 79	0	1	1
30T	Whitmire	S 15	0	1	1
30T	Estes	S 30	0	1	1
30T	Darby	H 72	0	1	1
30T	Bolton	H 47	0	1	1
30T	Smithee	H 86	0	1	1
30T	Deuell	S 2	0	1	1
30T	Chavez	H 76	0	1	1

“NAY” VOTES ON THE WATER TRIFECTA

All three of these bills were referred to a conference committee, and all three votes listed in this chart are votes on the Motions to Adopt the Conference Report

HOUSE		
<i>House Bill 3</i>	<i>House Bill 4</i>	<i>Senate Bill 3</i>
Christian (R)	Christian (R)	Christian (R)
Hardcastle (R)		
		Berman (R) Brown, Betty (R)
		Brown, Fred (R) Davis, John (R)
		Deshotel (D) Dunnam (D)
		Farabee (D) Flynn (R)
		Frost (D) Gallego (D)
		Hamilton (R) Homer (D)
		Gattis (R) Haggerty (R)
		Hopson (D) Howard, Donna (D)
		Hughes (R) Isett (R)
		Jones, Delwin (R) King, Tracy (D)
		McReynolds (D) Merritt (R)
		Naishtat (D) Olivo (D)
		Otto (R) Rose (D)
		Strama (D)

SENATE		
<i>House Bill 3</i>	<i>House Bill 4</i>	<i>Senate Bill 3</i>
NONE	NONE	
		Estes (R)

NATURAL RESOURCES COMMITTEE MEMBERS

<i>House Natural Resources Committee</i>	<i>Senate Natural Resources Committee</i>
Puente (D) - CHAIR (resigned)	Averitt, Chair (R)
Hamilton (R) - CHAIR (effective 2/7/08)	Estes, Vice Chair (R)
Gattis (R) - CBO	Brimer (R)
Creighton (R)	Deuell (R)
Gallego (D)	Duncan (R)
Guillen (D)	Eltife (R)
Hilderbran (R)	Hegar (R)
Laubenberg (R)	Hinojosa (D)
O'Day (R)	Jackson (R)
	Seliger (R)
	Uresti (D)

APPENDIX D**HOUSE INTERIM CHARGES****House Committee on Energy Resources**

Research ways to maintain groundwater quality in relation to oil and gas exploration through economic incentives for innovative technology solutions.

House Committee on Natural Resources

1. Monitor ongoing efforts related to joint planning in groundwater management areas, including progress toward setting desired future conditions for aquifers. Examine and evaluate the process relating to an appeal challenging the approval of desired future conditions.
2. Review and evaluate the regulatory model for investor-owned water and sewer utilities as provided in the Water Code, especially Chapter 13, and Article 1440a of the Public Utility Regulatory Act; rate case processes and timing, consultant fee recovery, and overall cost reductions; and, options for more effective customer participation. Consider consolidated tariffs for companies owning more than one system, and review and evaluate methods for financing expansion to new developments.
3. Monitor the implementation of HB 2876, 79th Legislature, Regular Session, relating to certificates of public convenience and necessity for water service and sewer service.
4. Monitor the implementation of legislation enacted by the 80th Legislature, including HB 3, HB 4 and SB 3; work in conjunction with legislatively created committees, such as the Environmental Flows Advisory Group, the Water Conservation Advisory Council, the Bexar Metropolitan Water District Oversight Committee, and the Joint Interim Committee on State Water Funding.
5. Evaluate creating a uniform template for the creation of Municipal Utility Districts or other special districts with addendums for special powers to expedite the creation of new districts.
6. Examine "resign to run" rules for soil and water conservation district members in comparison to groundwater district members.
7. Study issues related to the current efficacy of flood control devices in Texas, including the condition of aging infrastructure, liability issues, and the legal authority and financing needed to make repairs.
8. Review the Texas Commission on Environmental Quality fee structure for water programs and examine the scope of services being funded by such fees and the allocation of resources, including personnel to provide services on a timely basis.
9. Monitor the agencies and programs under the committee's jurisdiction.

SENATE INTERIM CHARGES**Senate Intergovernmental Relations**

Review the process for the creation of Municipal Utility Districts (MUDs) and other special districts, and investigate whether the creation of a standard municipal utility district statute is feasible, and whether it would enable the legislature to more efficiently evaluate proposed districts during the legislative session.

Subcommittee on Flooding & Evacuations

Report on the implementation of SB 1436, which transferred the National Flood Insurance Program from the Texas Commission on Environmental Quality to the Texas Water Development Board. Make recommendations for improving the efficiency and effectiveness of the program.

Jurisprudence

Study administrative and legal procedures used by municipalities to exert regulatory authority beyond city limits and extraterritorial jurisdiction. Determine whether conflicts exist with agencies' regulatory authority and regulatory authority delegated to home-rule municipalities, and make recommendations for appropriate delegation and clarification of respective authorities.

Natural Resources

1. Study the safety of major dams, levees, and other flood control structures across Texas, and determine the appropriate responsible agency [Texas Commissioner on Environmental Quality (TCEQ), Texas Water Development Board (TWDB) or the Governor's Office of Homeland Security] and the level of authority and funding needed to inventory, assess, repair or replace those with impairments. Develop liability and control standards for flood control structures and make recommendations to properly and safely manage these assets in the future.
2. Inventory and analyze bodies of water with high salinity. Explore new technologies and approaches to reduce salinity in the state's surface and groundwaters. Examine the need for state action to address salinity levels in surface waters of the state. Include an assessment of the following:
 - a. brackish desalinization projects, including brine disposal options;
 - b. permitting of brackish water by groundwater districts;
 - c. the value and potential uses for brackish water; and
 - d. the imposition of export fees for brackish as opposed to potable water.
3. Monitor the implementation of House Bill 1763, 79th Legislative Session, including progress by Groundwater Conservation Districts (GCDs) on joint planning within Groundwater Management Areas (GMA) and collaboration with entities within a GMA in joint planning including areas not covered by a GCD. Study the impact of HB 1763 on the following:
 - a. GCD creation within areas not covered by a GCD;
 - b. single or partial county GCDs;
 - c. consolidation with existing GCDs, and within priority groundwater management areas.
4. Investigate issues related to groundwater use in areas of the state without a Texas Water Development Board defined aquifer, such as the Barnett Shale. Evaluate the impact of permitting the increase of the cap on export fees by GCDs.
5. Review all state-created river authorities, including the powers exercised by each authority and the advisability of subjecting these authorities to legislative review.
6. Consider options for ensuring adequate protection of public assets, improving transparency of operations, enhancing appropriate access to financial and management records, and authorizing audits by the State Auditor's office.
7. Study and assess issues concerning mercury and arsenic emissions, including, but not limited to:
 - a. identifying the sources of mercury and arsenic pollution in air and water;
 - b. investigating the status of drinking water, reservoir, river, estuary, and fish and wildlife mercury and arsenic monitoring programs in Texas;

- c. investigating the implementation by TCEQ of the Federal Clean Air Mercury Rule (CAMR) on power plants in Texas;
 - d. studying the potential costs and benefits of including all coal/lignite burning sources in Texas, not just power plants, into the State's CAMR program; and
 - e. determining the legislative and regulatory mechanisms and advisability of including all coal/lignite burning sources into the State's CAMR program.
8. Study the need for regional water quality standards, particularly in the Edwards and Barton Springs recharge zones.
9. Monitor the progress of the Edwards Aquifer Authority (EAA) Recovery Implementation Plan to determine, after reviewing reports to the Legislature and with input from the EAA Oversight Committee, any changes in legislation needed to implement the plan.
10. Monitor the implementation of legislation addressed by the Natural Resources Committee, 80th Legislature, Regular Session, and make recommendations for any legislation needed to improve, enhance, and/or complete implementation. Specifically, focus on SB 3, relating to water; SB 12, relating to air quality; and the transfer of historic properties from Texas Parks and Wildlife Department to the Texas Historical Commission.