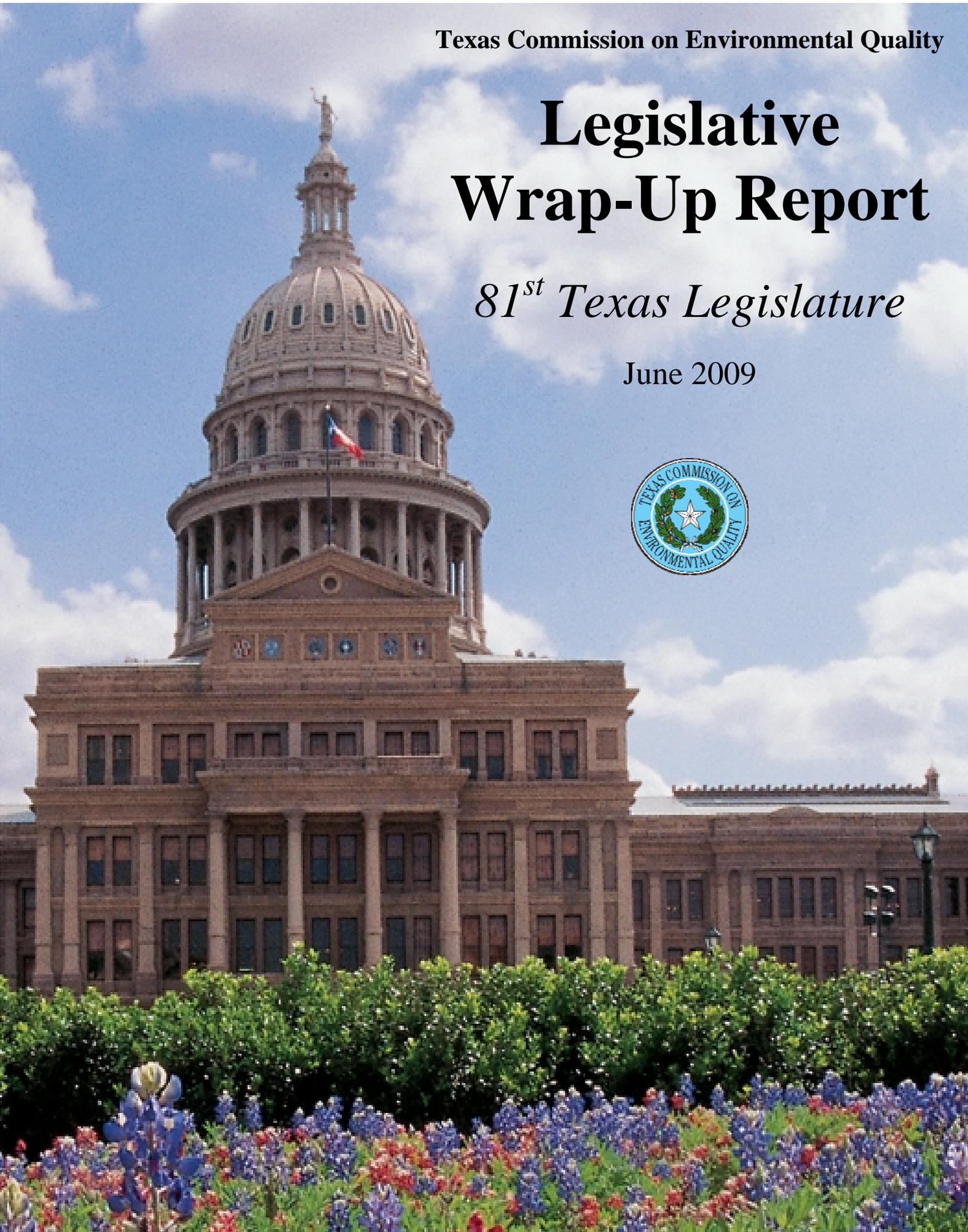


Texas Commission on Environmental Quality

# Legislative Wrap-Up Report

*81<sup>st</sup> Texas Legislature*

June 2009



## Executive Summary

During the 81<sup>st</sup> Legislative Session, the Legislature addressed several of Texas Commission on Environmental Quality's programs and priorities. Below is a summary of some of the actions taken affecting the agency's appropriation for various programs and increases in FTEs, as well as examples of some key legislation that passed.

### Program Appropriations

The amount of appropriations we receive for the various agency programs shapes our priorities for the upcoming biennium.

Under the Appropriations Act (SB 1), the agency will receive \$964.2 million for the 2010-2011 biennium.

These amounts include approximately \$33.2 million of the \$37.6 million the agency requested in exceptional items. Our agency received additional funding in key areas such as: the implementation of the new federal ozone standard; enhancements to our dam safety program; an increase in cleanup activities in the state Superfund program; an increase in grant funds available for air quality planning; and, to address several significant information resource needs.

### FTEs

The Legislature, through SB 1, also authorized an additional 66 FTEs for exceptional items and contingency riders for the upcoming biennium. The additional FTEs are primarily provided for: Chief Engineer's Office, Office of Compliance and Enforcement, and Office of Permitting & Registration.

### Key Legislation

During the session, the agency tracked 957 bills, and of those, the Legislature adopted approximately 235 bills. Of these, 164 are utility and/or district creation bills. Below are examples of some key legislation that passed this session:

- HB 1433 - Increases the statutory cap for the annual water quality fee for wastewater discharge permit holders and water right users through permit or contract from \$75,000 to \$100,000 beginning September 1, 2009. The cap can be increased in subsequent years based on the CPI, up to a maximum of \$150,000.
- HB 1796 - Establishes the New Technology Implementation Grant (NTIG) program, and requires the TCEQ to establish and administer a new technology implementation grant program to implement new technologies to reduce emissions from facilities and other stationary sources located within the state.
- HB 3544 - Authorizes the TCEQ to utilize electronic means of transmission for information issued or sent by the agency.
- SB 361 - Requires a retail public utility, exempt utility, or provider of wholesale sewer service or potable water service that furnishes water or sewer service to more than one customer to ensure the operation of its water and sewer systems during an extended power outage. Each service provider is required to submit an emergency preparedness plan to the TCEQ for review and approval.
- SB 876 - Requires the TCEQ to perform annual soil sampling at CAFOs in a major sole source impairment zone (parts of the North Bosque Watershed).
- SB 1757 - Directs the TCEQ to perform a study and make recommendations on: the methods currently used in the state to safely handle and dispose of pharmaceuticals, medical sharps, and other potentially dangerous medical waste; alternative methods including methods used in other states; and effects on public health and the environment of the various methods.
- SB 1759 - Establishes a Texas Clean Fleet Program (CFP) to be administered by TCEQ, funding it with five percent of the 87.5 percent of the Emission Reduction Incentives Grant funds within TERP.

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## Texas Commission on Environmental Quality (TCEQ)

### General Appropriations Act

**2010-2011 Total Appropriations**

- \$964.2 million (does not include contingency riders)  
 - a reduction of \$126.8 million from '08-'09

**Method of Finance**

	<b>Totals</b>	<b>Percentage</b>
General Revenue	\$29.5 million	3.0%
General Revenue-Dedicated	\$837.1 million	86.8%
Federal Funds	\$80.1 million	8.3%
Other	\$17.5 million	1.9%

**FTEs** (does not include contingency riders)

<b>FY 2010</b>	<b>FY 2011</b>
2,971.3	2,992.3

Note: With full implementation of contingency riders, the agency’s FTE cap would increase by 9 each year of the biennium.

**2010-2011 Capital Budget**

- \$37.2 million, an increase of \$9.7 million from '08-'09

**Contingency Riders**

- HB 1796: TERP; LIRAP; 185 Fees; and Inventory of Voluntary CO2 emissions - \$521,074 each fiscal year to support nine additional FTEs from TERP Account and \$250,000 each fiscal year for related activities from Clean Air Account
- SB 876: Soil Testing at CAFOs - \$274,666 for the biennium from Water Resource Management Account

**Changes to Significant Programs**

- A reduction of \$68 million for TERP for a total of \$233 million for the biennium. This amount includes \$37 million appropriated under the Supplemental Appropriations bill, HB 4586.
- A reduction of \$20 million for PST program, for a total of \$52.3 million for the biennium.
- An increase of \$8 million for the State Superfund program, for a total of \$64 million for a biennium. This amount includes appropriations under Supplemental Appropriations bill, HB 4586.
- An increase of \$2 million for the local air quality planning grants (rider #8), for a total of \$7.075 million for the biennium.
- New funding, totaling \$2.5 million for the dam safety program.
- The appropriation from Clean Air Account is increased by \$5 million for a total of \$205.4 million for the biennium. This increase is primarily due to funds for the establishment of an air permits allowable data base and funding for the Mickey Leland Air Toxics Center.

**Exceptional Items Funding Approved - \$33.17 million**

<b>Item</b>	<b>Amount with FTEs</b>
Implementation of ozone standard	\$7.254 million w/ 22/30 FTEs
Enhancement of dam safety program	\$2.517 million w/ 12/24 FTEs
Superfund Remediation	\$6 million SB 1 & \$2 million in supplemental
Permitting & Registration System	\$3.4 million
Systems Application & Microsoft Costs	\$2.852 million
Air Quality Planning Grants	\$2 million increase to rider #8
Uranium Application Review	\$500,000
Radioactive Materials	\$361,200 w/ 2 FTEs
Low Level Compact Commission	\$200,000
Digitize Maps/Surface Casing	\$428,502
Data Center Consolidation	\$5,658,596

**Significant Riders**

- #8 Air Quality Planning Grants: increases both the # of cities receiving grants to eight and the amount of available fund for the biennium to \$7.075 million
- #11 PST: authorizes use of up to \$12 million for administration of PST programs
- #25 Radioactive Materials: requires agency to collect additional fee revenue to secure '10-'11 appropriation from Low Level Radioactive Waste Account #088
- #27 TERP: provides allocation of TERP funds for all related programs and administrative costs
- #32 Water Resource Management Account: appropriations of \$105.5 million from this account contingent on the collection of sufficient revenues
- #33 San Jacinto River: requires agency to conduct aerial observations at least twice a year along San Jacinto River to determine compliance regarding aggregate operations
- #34 Hawkins Water Tire Site: agency appropriated \$1.2 million from Account #5000 to clean up tire sites in Wood County
- #35 Leland Air Toxics Research Center: appropriates \$1 million for TCEQ to contract with this entity
- #36 Carrizo-Wilcox Aquifer: requires the agency to conduct a study of impact of groundwater planning in this aquifer
- #37 Advisory Committee: authorizes the agency to reimburse an advisory committee that may be established with passage of HB 3206 (tax exemption for pollution control equipment)
- #38 Low Level Compact Commission: requires agency to reimburse travel expenses of the Compact Commission up to \$200,000
- #39 Air Permit Allowable Database: requires agency to establish an air permits allowable database
- #40 Air Monitoring in Navarro County: requires agency to establish a monitor in this county
- #41 GasFind IR Camera: requires agency to have no less than seven GasFind IR cameras

**TCEQ Method of Finance (SB 1)**

<b>Method of Finance</b>	<b>FY 2010</b>	<b>FY 2011</b>
General Revenue	\$15.6 million	\$13.9 million
Low Level Waste # 088	\$2.1 million	\$1.3 million
Used Oil Recycling # 146	\$957,839	\$945,807
Clean Air #151	\$106.2 million	\$99.2 million
Water Resource Management #153	\$53.1 million	\$52.4 million
Watermaster Administration #158	\$1.2 million	\$1.2 million
Occupational Licensing #468	\$1.8 million	\$1.7 million
Waste Management #549	\$34.2 million	\$33.2 million
Hazardous & Solid Waste Remediation Fee #550	\$33 million	\$30.5 million
Petroleum Storage Tank Remediation #655	\$29.9 million	\$22.4 million
Solid Waste # 5000	12.2 million	\$10.9 million
Environmental Testing Lab Accreditation #5065	\$456,842	\$456,842
Texas Emissions Reduction Plan #5071	\$116.5 million	\$116.5 million
Dry Cleaning Facility Release #5093	\$7.2 million	\$7.2 million
Operating Permit Fees #5094	\$30.9 million	\$31.2 million
Federal Funds	\$40.1 million	\$40 million
Other	\$8.9 million	\$8.6 million

**TCEQ Appropriation by Strategy**

<b>Strategy</b>	<b>FY 2010</b>	<b>FY 2011</b>
Assessment, Planning & Permitting	\$304.7 million	\$296.3 million
Drinking Water & Water Utilities	\$15.3 million	\$14.9 million
Enforcement & Compliance Support	\$61.2 million	\$58.5 million
Pollution Cleanup	\$62.3 million	\$54.8 million
River Compact Commission	\$382,195	\$382,195
Indirect Administration	\$48.3 million	\$46.9 million

**Supplemental Appropriation for 2009**

With the passage of HB 4586, TCEQ's appropriation in '09 is increased by the following amounts:

- \$2 million from Account #550 to continue on-going activities at Ballard Pits, a state superfund site in Nueces County
- \$37 million from Account #5071 for the TERP program
- \$4.6 million from General Revenue to refund costs related to natural disasters

Also included is an \$800 retention payment to be issued August 2009 to state employees making less than \$100,000, and continuously employed by the agency from March 31, 2009 through August 1, 2009.

## Appropriations, Fees & Taxes

**HB 1433** by Lucio III Senate Sponsor: Averitt

**Relating to the amount of the annual water quality fee imposed on holders of wastewater discharge permits and on users of water.**

Increases the statutory cap for the annual water quality fee for wastewater discharge permit holders and water right users through permit or contract from \$75,000 to \$100,000 beginning on September 1, 2009. The cap can be increased in subsequent years based on the CPI, up to a maximum of \$150,000.

**Effective Date:** September 1, 2009

**HB 2729** by Pitts Senate Sponsor: Ogden

**Relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act.**

Authorizes TCEQ to pay certain outstanding claims from existing fund balances.

**Effective Date:** September 1, 2009

**HB 3206** by Edwards Senate Sponsor: Ellis

**Relating to the implementation of the exemption from ad valorem taxation for pollution control property.**

Amends current law relating to the implementation of the exemption from ad valorem taxation for pollution control property (Proposition 2). Specifically, makes changes to Proposition 2 as follows: 1) requires TCEQ to uniformly apply the standards and methods for making determinations to all applications, including those applications filed under Subsection (k), i.e., Tier IV applications, in current statute and 2) requires the creation of a permanent advisory committee.

**Effective Date:** September 1, 2009

**HB 3765** by Paxton Senate Sponsor: Averitt

**Relating to the use of hazardous and solid waste remediation fee funds for lead-acid battery recycling activities.**

Provides that the TCEQ may use up to 10 percent of the fees collected on batteries under section 361.138 of the Health and Safety Code (deposited in the Hazardous and Solid Waste Remediation Fee Account #550) for lead-acid battery-related programs. Funds from Account #550 can now be used to support innovative technologies in lead-acid battery recycling.

**Effective Date:** September 1, 2009

**HB 4102** by Eiland **Senate Sponsor: Carona**

**Relating to the disaster contingency fund.**

Allows a state or local government entity that participates in disaster preparation or disaster recovery to request and receive funding from the disaster contingency fund to pay for costs incurred by the state or local government entity in preparing for or recovering from a disaster. If state or local government entities receive reimbursement from the federal government, then the entities would be required to reimburse the disaster contingency fund by the amount received from the federal government.

**Effective Date:** June 19, 2009

**HB 4583** by Pitts **Senate Sponsor: Ogden**

**Relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.**

Includes the new Advanced Clean Energy Project Fund as a dedicated account.

**Effective Date:** June 19, 2009

**HB 4586** by Pitts **Senate Sponsor: Ogden**

**Relating to making supplemental appropriations and giving direction and adjustment authority regarding appropriations.**

Provides a supplemental appropriation to state agencies and institutions of higher education for FY 2009. Appropriations to the TCEQ include:

- \$2 million from Account #550 for clean up activities at Ballard Pits, a state superfund site in Nueces County;
- \$37 million from TERP Account #4071 for TERP program; and
- \$4.6 million from General Revenue Account #001 for reimbursement of costs associated with natural disasters.

Also included is a one-time \$800 retention payment to be paid in August 2009 to all state employees whose salary is less than \$100,000, and has been continuously employed by the agency from March 31, 2009, through August 1, 2009.

**Effective Date:** June 19, 2009

**SB 1** by Ogden **House Sponsor: Pitts**

**Relating to General Appropriations for the 2010-2011 biennium.**

TCEQ Appropriation is approximately \$965 million for the 2010-2011 biennium.

**Effective Date:** September 1, 2009







**HB 3544** by **Lucio III** Senate Sponsor: **Fraser**

**Relating to electronic notices by the Texas Commission on Environmental Quality, electronically stored information provided by a governmental body, and confidentiality of e-mail addresses provided to a governmental body.**

Authorizes the TCEQ to utilize electronic means of transmission for information issued or sent by the agency. Also provides an additional exemption from non-disclosure of email addresses under the Public Information Act for email addresses submitted for the purpose of providing public comment, or receiving notices, orders, or decisions from a governmental body. The bill would also delete a reference to paper copies of public information provided by a governmental body to encourage requests for electronic copies.

Also includes provisions changing Proposition 2 as follows: 1) requires TCEQ to uniformly apply the standards and methods for making determinations to all applications, including those applications filed under Subsection (k), i.e., Tier IV applications, in current statute and 2) requires creation of a permanent advisory committee. (See HB 3206.)

**Effective Date:** September 1, 2009

**HB 4343** by **Smithee** Senate Sponsor: **Fraser**

**Relating to access to certain criminal history record information maintained by the Department of Public Safety.**

Amends the Government Code to add the Texas Department of Insurance to the list of noncriminal justice agencies to which the Department of Public Safety may disclose certain criminal history record information.

**Effective Date:** June 19, 2009

**SB 671** by **Shapleigh** House Sponsor: **Gallego**

**Relating to information requested by a member, committee, or agency of the legislature under the public information law.**

Amends the Public Information Act (PIA) provision that allows legislators to obtain for legislative purposes confidential information that would otherwise be protected under the PIA. Allows a member, committee, or agency of the legislature that is required to sign a confidentiality agreement to have a determination made as to whether the material covered by the agreement is actually confidential by law. The member, committee, or agency may obtain such a determination by either filing a declaratory judgment action in district court or seeking a decision from the attorney general's office. If any of the material covered by the confidentiality agreement is determined not to be confidential by law, then the corresponding portion of the agreement is void.

**Effective Date:** September 1, 2009

**SB 745** by **Duncan** House Sponsor: **Solomons**

**Relating to state travel policies and procedures for the reimbursement or payment of travel expenses.**

Revises state travel policies to allow for the electronic storage and submission of travel voucher documentation by state agencies. Also removes the current requirement that the employee must re-approve any fiscal or accounting-related changes made to the travel voucher after its original submission.

**Effective Date:** September 1, 2009

**SB 1068** by Wentworth House Sponsor: Gallego

**Relating to allowing a governmental body to redact certain personal information under the public information law without the necessity of requesting a decision from the attorney general.**

Authorizes certain personal information to be redacted from public information without the necessity of requesting a decision from the attorney general.

**Effective Date:** June 4, 2009

**SB 1629** by Wentworth House Sponsor: Rose

**Relating to the persons exempted from the required prepayment of the personnel costs incurred by a governmental body in responding to requests from a requestor under the public information law that require large amounts of time.**

Provides that certain newspapers and magazines are exempt from the cost recovery provisions.

**Effective Date:** September 1, 2009



## Agency Programs Air

**HB 469** by **Phil King** Senate Sponsor: **Seliger**

**Relating to the establishment of incentives by this state for the implementation of certain projects to capture and sequester in geological formations carbon dioxide that would otherwise be emitted into the atmosphere.**

Provides tax incentives to organizations that participate in research and development activities related to a “clean energy project”. Defines a “clean energy project” and modifies the definition of an “advanced clean energy project”. The TCEQ is responsible for approving the application of a project to be certified as an advanced clean energy project.

Provides for a franchise tax credit, that would equal up to the lesser of 10 percent of the total capital cost of the project or \$100 million, for an entity implementing a clean energy project, with a maximum of three projects receiving the credit. The bill would create property tax abatement provisions for advanced clean energy projects located in county reinvestment zones.

Requires the Railroad Commission (RRC) to issue a certificate of compliance verifying a project met the requirements for a clean energy project.

Requires the Bureau of Economic Geology of the University of Texas at Austin (BEG) to monitor, measure, and verify the status of the sequestered carbon dioxide generated by clean energy projects. The BEG is also responsible for designing initial protocols and standards for the process, reviewing the conduct of the process, evaluating the results of the process, and determining whether to transmit verification of the process to the Comptroller.

Amends the Tax Code to reduce the oil production tax rate from 4.6 percent to 1.15 percent for certain oil producers. To qualify, the oil produced must be recovered through an Enhanced Oil Recovery Project (EOR) that uses carbon dioxide generated by a clean energy project. Also, the producer must receive certification from either the RRC or the TCEQ, depending on where the carbon dioxide is sequestered.

**Effective Date:** September 1, 2009

**HB 715** by **Phil King** Senate Sponsor: **Estes**

**Relating to motor vehicle inspection stations that perform emissions inspections using only the onboard diagnostic system of inspected vehicles.**

Increases the monthly maximum number of emissions tests that is currently in place for the Dallas-Fort Worth (DFW) and Houston-Galveston-Brazoria (HGB) areas for vehicle emissions testing stations that petition the Texas Department of Public Safety (DPS) to only provide onboard diagnostic (OBD) testing at its inspection stations. Currently, the OBD-only inspection stations are limited to 100 emissions test per month, 1,200 per year. Under the new law, the number of inspections may not be restricted to fewer than 150 inspections per month.

**Effective Date:** October 31, 2010

**HB 1796 by Chisum**

**Senate Sponsor: Watson**

**Relating to the offshore geologic storage of carbon dioxide.**

Requires the General Land Office to contract with the University of Texas Bureau of Economic Geology (BEG) at the University of Texas at Austin to conduct a study of state-owned offshore submerged land to identify potential locations for a carbon dioxide repository. Requires the TCEQ to develop standards and rules for the offshore sequestration of carbon dioxide. Any standards adopted by the TCEQ would need to comply with requirements issued by the U.S. Environmental Protection Agency. The School Land Board (SLB) would make the final determination of suitable locations for carbon dioxide storage. The SLB also would issue a request for proposals for the construction of infrastructure for transportation to and storage in the offshore repository. The bill also would give the SLB authority to establish a storage fee by rule.

Requires the TCEQ to adopt standards for monitoring, measuring and verifying the permanent storage status of the repository, and the BEG would perform those functions and serve as a scientific advisor. The BEG would perform the measurement, monitoring, and verification of the permanent status of carbon dioxide in the carbon dioxide repository. Requires the BEG to provide the SLB data relating to the measurement, monitoring, and verification of the permanent storage status of the carbon dioxide in the carbon dioxide repository, as determined by the SLB. The SLB would acquire title to the carbon dioxide stored in the repository on behalf of the state and administer and control the stored carbon dioxide in the name of the state. Prohibits both the SLB and the TCEQ from establishing or regulating the rates charged for the transportation of carbon dioxide to the carbon dioxide repository. The SLB is required to issue an annual report on the repository.

Requires the TCEQ to establish and administer a New Technology Implementation Grant (NTIG) to implement new technologies to reduce emissions from facilities and other stationary sources. This program will be part of TERP. Provides cost-sharing requirements that require applicants to provide at least 50 percent of the costs of implementing a project under this chapter. TCEQ is required to coordinate an interagency application review process with the Comptroller, Public Utility Commission, and the Railroad Commission. The TCEQ would be required to incorporate the review results into the grant award decision process and include in an annual report a justification for awards made to projects that were negatively reviewed by the other agencies.

Projects eligible in the NTIG program could include: advanced clean energy project; new technology projects that reduce emissions of regulated pollutants from point sources that involve capital expenditures that exceed \$500 million; and electricity storage projects related to renewable energy.

Provides that funds collected under Section 185 of the Federal Clean Air Act be deposited to the General Revenue-Dedicated Clean Air Account No. 151.

Extends the TERP Program and all associated fees until August 31, 2019. Also adds stationary engines to the list of items the TCEQ can fund through the TERP grant program. Exempts mobile generators used for natural gas recovery purposes from the requirement that at least 75 percent of the annual use of a TERP-funded project occur in nonattainment areas and affected counties for at least five years.

The legislation also amended the allocation of TERP funds. Based on this legislation, the funds will be distributed in the following manner:

- Emissions Reduction Incentive Grants (ERIG) program - 87.5 percent
- New Technology Research & Development (NTRD) - 9 percent
- Administration: Texas Commission on Environmental Quality – 2 percent
- Energy Systems Lab at Texas Engineering Experiment Stations (TEES) - 1.5 percent

The following programs are included in the allocation under the 87.5 percent: ERIG; Clean School Bus Program; and New Technology Implementation Grant Program. Also as the result of passage of SB 1759, five percent of the 87.5 percent is allocated to the Clean Fleet Program.

The following programs are included in the allocation under the 9 percent: NTRD grants; air quality research; TEES; and health effects study.

Requires the TCEQ, the Railroad Commission, and the PUC to participate in the development of a federal greenhouse gas reporting requirements. Directs the TCEQ to establish a inventory of voluntary actions taken by businesses in the state and state agencies since September 1, 2001 to reduce carbon dioxide emissions and to work with the U.S. Environmental Protection Agency to give credit for early action under any federal rules that may be adopted for federal greenhouse gas regulation.

**Effective Date:** September 1, 2009

**HB 2582** by Gonzalez Toureilles Senate Sponsor: Hegar

**Relating to the production of renewable diesel fuel.**

Amends the Tax Code to exempt renewable diesel from the diesel fuel tax. Also amends the Agriculture Code to include renewable diesel in the Fuel Ethanol and Biodiesel Production Incentive Program.

**Effective Date:** June 19, 2009

**SB 184** by Watson House Sponsor: Chisum

**Relating to “no regrets” greenhouse gas emissions reduction strategies.**

Requires the Comptroller to provide the Legislature with a list of strategies for reducing greenhouse gas emissions by December 31, 2010. The report is to include information on how those strategies may result in net savings for consumers or businesses or could be achieved without financial cost to consumers or businesses. Requires the TCEQ to participate on an interagency advisory committee.

**Effective Date:** September 1, 2009

**SB 1387** by Seliger House Sponsor: Crownover

**Relating to the injection and geologic storage of anthropogenic carbon dioxide.**

Provides a state-level regulatory framework for the storage and sequestration of carbon dioxide into geologic formations that may contain oil or gas. Gives the Railroad Commission (RRC) jurisdiction over the injection of carbon dioxide into wells that are or may be productive of oil or gas, as well as jurisdiction over storage in a salt brine formation that exists above or below an oil or gas formation. Also requires that before the RRC may issue a permit under this section that the TCEQ must certify that underground fresh water supplies will not be injured by the permitted activity. Calls for the TCEQ, RRC, and the University of Texas Bureau of Economic Geology (BEG) to conduct a study and report back to the legislature on the appropriate agency to regulate the long term storage of CO<sub>2</sub> into non oil or gas producing geologic formations. Calls on the Texas General Land Office (GLO) in conjunction with the TCEQ, the RRC, and the BEG to develop recommendations for managing geologic storage of CO<sub>2</sub> on state-owned lands, including an assessment of storage capacity and new legal and regulatory frameworks that could be necessary based on the GLO recommendations.

**Effective Date:** September 1, 2009









## Agency Programs Water

**HB 1922** by Martinez Fischer Senate Sponsor: Uresti

**Relating to the authorization of certain reuse water system contributions and discharges.**

Authorizes introduction of recycled water to the system by multiple treatment plants and authorizes discharges from any permitted outfall. Enables the TCEQ, under certain conditions and at the request of the applicant, to authorize a wastewater treatment facility operated by an agency of a home-rule municipality with a population of one million or more to contribute treated domestic wastewater produced by the facility as reclaimed water to a reuse water system and to discharge reclaimed water contributed to a reuse water system at certain outfalls.

**Effective Date:** June 19, 2009

**HB 2208** by Gonzales Senate Sponsor: Hinojosa

**Relating to the calculation of current market value of certain water rights by the Rio Grande Regional Water Authority.**

Requires the Rio Grande Regional Water Authority to exclude sales between municipal water suppliers and purchasers from the current market value formula provided for in Section 49.509 of the Water Code (Duty of Rio Grande Regional Water Authority to Calculate Current Market Value).

**Effective Date:** June 19, 2009

**HB 2667** by Ritter Senate Sponsor: Hinojosa

**Relating to performance standards for plumbing fixtures sold in this state.**

Clarifies and sets out the national standards of the American Society of Mechanical Engineers and American National Standards Institute by which plumbing fixtures will be produced and tested. Establishes a phase-in of high efficiency plumbing fixtures brought into Texas, which will allow manufacturers the time to change their production, at the same time allowing retailers the opportunity to turn over their inventory. Creates an exemption for those manufacturers that volunteer to register their products with the United States Environmental Protection Agency's WaterSense Program, which should result in additional water savings. Repeals the Texas Commission on Environmental Quality certification process for plumbing fixtures since the plumbing fixtures must meet national certification and testing procedures.

**Effective Date:** September 1, 2009

**HB 4231** by Ritter Senate Sponsor: Eltife

**Relating to the conveyancing or transfer in this state of water imported into this state from a source located outside this state.**

Allows a person to use the bed and banks to convey water imported from a source located wholly outside the boundaries of this state; however, water imported from Mexico would be prohibited from using Texas streams as a means of conveyance. Also includes these types of bed and banks authorizations as an exempt inter-basin transfer only when the bed and banks are those of a navigable stream. Requires the TCEQ to coordinate with the General Land Office to verify whether the proposed bed and banks are of a navigable stream as part of the permitting process.

**Effective Date:** June 19, 2009





## General Government

**HB 865** by Swinford Senate Sponsor: Hegar

**Relating to the establishment of the Texas Invasive Species Coordinating Committee.**

Establishes the Texas Invasive Species Coordinating Committee to serve as a catalyst for cooperation between state agencies in the area of invasive species control and facilitate governmental efforts to prevent and manage invasive species. Member agencies are the Texas Department of Agriculture, the Texas Parks and Wildlife Department, the Texas State Soil and Water Conservation Board, the Texas Agrilife Extension Service, the Texas Forest Service, the Texas Water Development Board, and any other state agency added to the committee by unanimous consent of member agencies.

**Effective Date:** September 1, 2009

**HB 2748** by Chisum Senate Sponsor: Duncan

**Relating to the abolition of the Texas Environmental Education Partnership Fund.**

Abolishes the Texas Environmental Education Partnership Fund.

**Effective Date:** June 19, 2009

**HB 3391** by Harper-Brown Senate Sponsor: Hegar

**Relating to the continuation and functions of the Parks and Wildlife Department; changing the elements of an offense.**

Amends current law relating to the continuation and functions of the Texas Parks and Wildlife Department (TPWD) and changing the elements of an offense. Includes a requirement that agencies with statewide jurisdiction, including the TCEQ, to provide a written response to all recommendations and informational comments made by the TPWD.

**Effective Date:** September 1, 2009

**HB 3851** by Eiland Senate Sponsor: Huffman

**Relating to the authority of a political subdivision to suspend statutory deadlines during a disaster.**

Authorizes the Governor, on request from a political subdivision, to waive or suspend a deadline imposed by a statute or the orders or rules of a state agency on the political subdivision, including a deadline relating to a budget or ad valorem tax, if the waiver or suspension is reasonably necessary to cope with a disaster. Suspends statutory deadlines for political subdivisions in the event of a disaster declared by the president of the United States, the Governor, or the presiding officer of the political subdivision.

**Effective Date:** June 19, 2009

## Local Government

**HB 1255** by Lewis Senate Sponsor: Seliger

**Relating to an interlocal contract for a relief highway route around certain municipalities.**

Amends Subchapter C (Specific Interlocal Contracting Authority), Chapter 791 (Interlocal Cooperation Contracts), Government Code, to allow the City of Andrews to create an interlocal contract for the creation of a relief highway route around their municipality. Grants the municipality the authority to expend municipal funds and issue certificates of obligation or bonds to pay for expenses associated with a relief highway route.

**Effective Date:** June 19, 2009

**HB 2275** by Raymond Senate Sponsor: Zaffirini

**Relating to creating a task force to develop uniform standards for subdivisions in the unincorporated areas of counties near the international border and in economically distressed counties.**

Creates a task force to research and identify the conflicts and deficiencies in current law regarding the regulation of subdivision development in the unincorporated areas of counties near the international border and in economically distressed counties. The task force must develop recommendations and draft a proposal for legislation to create uniform standards for subdivision regulation in these areas. The Texas Water Development Board will provide administrative support to the task force, including necessary staff and meeting facilities.

**Effective Date:** June 19, 2009

**SB 2253** by Zaffirini House Sponsor: Guillen

**Relating to the authority of certain municipalities and counties to regulate subdivisions near an international border.**

Establishes a county development permit to enable border counties to take a proactive role in the prevention of colonias and to provide an enforcement tool to ensure that new construction or substantial improvement is undertaken in a manner conforming with existing state laws or county orders governing land use and development activities, such as platting requirements, water and sewer facilities, floodplain management, building set-backs, and dwelling limitations.

**Effective Date:** June 19, 2009

## Utilities, Districts & Authorities

**HB 1113** by Zerwas Senate Sponsor: Hegar

**Relating to the powers and duties of the Fort Bend County Municipal Utility District No. 194.**

Provides additional powers for the Fort Bend County Municipal Utility District No. 194 related to the construction, maintenance, operation, and financing of roads or turnpikes.

**Effective Date:** June 19, 2009

**HB 1134** by England Senate Sponsor: West

**Relating to the authority of the Dallas County Flood Control District No. 1 to enter into a tax abatement agreement and to designate a reinvestment zone.**

Amends enabling legislation for Dallas County Flood Control District No. 1 to add the ability to enter into a tax abatement agreement and designate an area as a reinvestment zone for residential projects.

**Effective Date:** September 1, 2009

**HB 1178** by Guillen Senate Sponsor: Zaffirini

**Relating to the creation of the Starr County Drainage District.**

Provides that the Starr County Drainage District is created within the boundaries of Starr County, has the powers and duties of a drainage district under Chapters 49 (Provisions Applicable to All Districts) and 56 (Drainage Districts), Water Code, and is subject to a confirmation election by the voters of the district.

**Effective Date:** September 1, 2009

**HB 1295** by Aycock Senate Sponsor: Averitt

**Relating to notification of an application related to a certificate of public convenience and necessity for water or sewer service.**

Requires that notice for an application to the TCEQ to obtain or amend a CCN be given to each county and groundwater conservation district that is wholly or partially included in the proposed area.

**Effective Date:** September 1, 2009

**HB 1300** by Chris Turner Senate Sponsor: Wendy Davis

**Relating to the creation of the Kennedale Towncenter Development District.**

Creates the Kennedale TownCenter Development District and provides it the authority to impose taxes and issue bonds to develop the area for mixed use.

**Effective Date:** May 27, 2009

**HB 1518** by Cortez **Senate Sponsor: Wentworth**

**Relating to the addition of territory to and the amount of production fees imposed by the Trinity Glen Rose Groundwater Conservation District.**

Amends current law relating to the addition of territory to and the amount of production fees imposed by the Trinity Glen Rose Groundwater Conservation District.

**Effective Date:** June 19, 2009

**HB 1596** by Zerwas **Senate Sponsor: Hegar**

**Relating to the creation of the Fort Bend County Municipal Utility District No. 204.**

Relates to the creation of the district, provides authority to impose a tax and issue bonds, and grants a limited power of eminent domain.

**Effective Date:** June 19, 2009

**HB 1597** by Zerwas **Senate Sponsor: Hegar**

**Relating to the creation of the Fort Bend County Municipal Utility District No. 202.**

Creates the Fort Bend County Municipal Utility District No. 202, with the powers and duties of a municipal utility district under Water Code Chapters 49 and 54.

**Effective Date:** June 19, 2009

**HB 1598** by Zerwas **Senate Sponsor: Hegar**

**Relating to the creation of the Fort Bend County Municipal Utility District No. 203.**

Creates the Fort Bend County Municipal Utility District No. 203, with the powers and duties of a municipal utility district under Water Code Chapters 49 and 54.

**Effective Date:** June 19, 2009

**HB 1599** by Zerwas **Senate Sponsor: Hegar**

**Relating to the creation of the Waller County Municipal Utility District No. 15.**

Creates the Waller County Municipal Utility District No. 15, with the powers and duties of a municipal utility district under Water Code Chapters 49 and 54.

**Effective Date:** June 19, 2009

**HB 1600** by Zerwas **Senate Sponsor: Hegar**

**Relating to the creation of the Fort Bend County Municipal Utility District No. 201.**

Creates the Fort Bend County Municipal Utility District No. 201, with the powers and duties of a municipal utility district under Water Code Chapters 49 and 54.

**Effective Date:** June 19, 2009

**HB 1601** by Zerwas Senate Sponsor: Hegar

**Relating to the creation of the Waller County Municipal Utility District No. 13.**

Creates the Waller County Municipal Utility District No. 13, with the powers and duties of a municipal utility district under Water Code Chapters 49 and 54.

**Effective Date:** June 19, 2009

**HB 1664** by Phil King Senate Sponsor: Estes

**Relating to an exemption for groundwater used for certain purposes from production fees assessed by the Upper Trinity Groundwater Conservation District.**

Amends Chapter 8830, Special District Local Laws Code for the Upper Trinity Groundwater Conservation District in Hood, Montague, Parker, and Wise counties. The bill exempts emergency service districts or fire departments from the payment of District production fees if groundwater is used for emergency purposes. The bill authorizes the District to adopt rules that require the emergency service districts or fire departments to report monthly groundwater use by purpose of use type.

**Effective Date:** June 19, 2009

**HB 1691** by Zerwas Senate Sponsor: Hegar

**Relating to the creation of the Waller County Municipal Utility District No. 14.**

Creates the Waller County Municipal Utility District No. 14, with the powers and duties of a municipal utility district under Water Code Chapters 49 and 54.

**Effective Date:** June 19, 2009

**HB 1841** by Kleinschmidt Senate Sponsor: Hegar

**Relating to the creation of the XS Ranch Municipal Utility District.**

Creates the XS Ranch Municipal Utility District, with the powers and duties of a municipal utility district under Water Code Chapters 49 and 54.

**Effective Date:** June 19, 2009

**HB 1923** by Heflin Senate Sponsor: Duncan

**Relating to the Irion County Water Conservation District.**

Amends the enabling statute of the district to change the terms of the directors from two years to four years; provide that the terms are staggered terms; and change the board of director's election to the uniform election date in May. Also changes sections to correspond to and in accordance with Chapter 36 (Groundwater Conservation Districts), Water Code, and adds language that addresses annexation of or consolidation with territory of another district.

**Effective Date:** May 23, 2009

**HB 1946** by **Bonnen** Senate Sponsor: **Huffman**

**Relating to the creation of the Brazoria County Municipal Utility District No. 64.**

Creates the Brazoria County Municipal Utility District No. 64, with the powers and duties of a municipal utility district under Water Code Chapters 49 and 54.

**Effective Date:** June 19, 2009

**HB 1947** by **Kuempel** Senate Sponsor: **Wentworth**

**Relating to the election and terms of office of directors of the Guadalupe County Groundwater Conservation District.**

Requires the Guadalupe County Groundwater Conservation District to hold an election in the district to elect the appropriate number of directors to the district's board of directors.

**Effective Date:** June 19, 2009

**HB 2022** by **Weber** Senate Sponsor: **Hegar**

**Relating to the powers and duties of the Sedona Lakes Municipal Utility District No. 1 of Brazoria County.**

Authorizes the district to purchase, acquire, or construct facilities to service the future occupants of the land through the use of tax exempt bonds and to impose a tax to repay bonds.

**Effective Date:** June 19, 2009

**HB 2035** by **Keffer** Senate Sponsor: **Averitt**

**Relating to the creation of the Hood County Granbury Municipal Utility District No. 1.**

Creates the Hood County Granbury Municipal Utility District No. 1 with the powers and duties of a municipal utility district under Water Code Chapters 49 and 54, subject to confirmation election by the voters.

**Effective Date:** September 1, 2009

**HB 2063** by **Callegari** Senate Sponsor: **Duncan**

**Relating to the enforcement of rules by a groundwater conservation district.**

Clarifies that a groundwater conservation district (GCD) may enforce its rules and set reasonable civil penalties against any person violating district rules by injunction, mandatory injunction, or other appropriate remedy in a court of competent jurisdiction. Also clarifies the limits on the amount of fees, costs, and penalties that a GCD may impose and the limit of liability in an enforcement action by a GCD against any person that is a governmental entity.

**Effective Date:** June 19, 2009

**HB 2102** by Dutton

**Senate Sponsor: Gallegos**

**Relating to the powers and duties of the Harris County Municipal Utility District No. 403.**

Relates to the powers and duties of the Harris County Municipal Utility District No. 403, provides authority to impose a tax and issue bonds, and grants a limited power of eminent domain.

**Effective Date:** June 19, 2009

**HB 2619** by Frost

**Senate Sponsor: Duncan**

**Relating to the nonsubstantive revision of certain local laws concerning special districts, including conforming amendments.**

Provides a proposal for new chapters of the Special District Local Laws Code, which is a nonsubstantive revision of certain local laws concerning special districts organized by type of district.

**Effective Date:** April 1, 2011

**HB 2666** by Ritter

**Senate Sponsor: Williams**

**Relating to the authority of the Lower Neches Valley Authority to acquire, own, operate, maintain, and improve the Devers Canal System, its water rights, and associated property.**

Authorizes the Lower Neches Valley Authority to own, operate, and expand the Devers Canal System in Chambers County and Liberty County, while at the same time protecting the interests of the Chambers-Liberty Counties Navigation District in the same language as approved by the legislature in 1969 when the legislature approved the acquisition of the Devers Rice Producers Association by the Trinity River Authority.

**Effective Date:** May 12, 2009

**HB 2668** by Ritter

**Senate Sponsor: Williams**

**Relating to the creation of the Smith Road Water Control and Improvement District No. 1 of Jefferson County.**

Creates the Smith Road Water Control and Improvement District No. 1 of Jefferson County under Chapters 49 (Provisions Applicable to All Districts), 51 (Water Control and Improvement Districts), and 57 (Levee Improvement Districts), Water Code, in order to purchase, acquire, or construct facilities for such services to serve the future occupants of the land utilizing tax exempt bonds.

**Effective Date:** September 1, 2009

**HB 2906** by Kuempel

**Senate Sponsor: Wentworth**

**Relating to the expansion of the boundaries of the Cibolo Creek Municipal Authority.**

Expands the boundaries of Cibolo Creek Municipal Authority.

**Effective Date:** June 19, 2009

**HB 3009** by Coleman Senate Sponsor: Ellis

**Relating to the authority of municipal management districts to consolidate.**

Amends current law relating to the authority of municipal management districts to consolidate.

**Effective Date:** June 19, 2009

**HB 3031** by Keffer Senate Sponsor: Estes

**Relating to the sale by the Brazos River Authority of certain residential and commercial leased lots and other real property in the immediate vicinity of Possum Kingdom Lake.**

Grants the Brazos River Authority the ability to sell or lease property in the immediate vicinity of Possum Kingdom Lake. The bill lays out rights and restrictions given to a purchaser of a leased tract of land sold by the Authority. If the purchaser is not connected to a private licensed on-site sewage facility, the purchaser may be required to connect to a community sewage treatment facility.

**Effective Date:** May 27, 2009

**HB 3032** by Keffer Senate Sponsor: Estes

**Relating to the sale by the Brazos River Authority of certain property at Possum Kingdom Lake.**

Amends Chapter 8502, Special District Local Laws Code, by adding Section 8502.013a to include definitions, notice requirements, and procedures for the sale of captive property by the Brazos River Authority at Possum Kingdom Lake.

**Effective Date:** May 27, 2009

**HB 3140** by Gonzalez Toureilles Senate Sponsor: Hegar

**Relating to authorizing the transfer of certain abandoned or forfeited property to groundwater conservation districts.**

Amends the Code of Criminal Procedure and the Transportation Code to authorize a law enforcement agency to transfer or loan abandoned or forfeited property, including a motor vehicle, to a groundwater conservation district governed by Water Code, Chapter 36.

**Effective Date:** September 1, 2009

**HB 3661** by Sylvester Turner Senate Sponsor: Gallegos

**Relating to standards for installing fire hydrants in certain residential areas.**

Requires that the regulatory authority for a public utility serving a residential area adopt standards for the installation of fire hydrants and maintenance of sufficient water pressure for service to such hydrants. Applicable only to Houston.

**Effective Date:** September 1, 2009



- HB 4376** by **Wayne Smith** Senate Sponsor: **Williams**
- Relating to the authority of the Baytown Municipal Development District to use sales tax revenue to promote new or expanded business development.**
- Authorizes Baytown Municipal Development District to spend sales tax revenue on the land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements of the governing body of the district finds will promote new or expanded business development in the district.
- Effective Date:** June 19, 2009
- HB 4698** by **Phil King** Senate Sponsor: **Estes**
- Relating to the creation of the Lake Weatherford Municipal Utility Districts Nos. 1 and 2.**
- Creates Lake Weatherford Municipal Utility Districts Nos. 1 and 2 with the powers and duties of a municipal utility district under Water Code Chapters 49 and 54.
- Effective Date:** June 19, 2009
- HB 4706** by **Tracy King** Senate Sponsor: **Uresti**
- Relating to the compensation of a member of the board of directors of the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1.**
- Limits the fees of office for the seven members of the board of directors of the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1 to \$150 per month.
- Effective Date:** June 19, 2009
- HB 4710** by **Aycock** Senate Sponsor: **Fraser**
- Relating to the creation of the Clearwater Ranch Municipal Utility District No. 1.**
- Creates the Clearwater Ranch Municipal Utility District No. 1 in Burnet County, Texas, provides the authority to impose a tax and issue bonds, and grants a limited power of eminent domain.
- Effective Date:** June 19, 2009
- HB 4712** by **Laubenerg** Senate Sponsor: **Estes**
- Relating to the powers and duties of the Collin County Municipal Utility District No. 1.**
- Provides Collin County Municipal Utility District No. 1 with the power to divide.
- Effective Date:** June 19, 2009
- HB 4713** by **Doug Miller** Senate Sponsor: **Wentworth**
- Relating to certain exemptions from ad valorem taxes imposed by the Cow Creek Groundwater Conservation District.**
- Clarifies language relating to the permissive authority of the Cow Creek Groundwater Conservation District to adopt rules to grant ad valorem tax exemptions for property on which a water conservation initiative has been implemented under the requirements of the Tax Code.
- Effective Date:** June 19, 2009

**HB 4715** by Creighton

**Senate Sponsor: Williams**

**Relating to deadlines for elections to confirm the creation of the East Montgomery County Municipal Utility Districts Nos. 8, 9, 10, 11, 12, 13, and 14, Montgomery County districts Nos. 100 and 101, and Liberty County No. 5.**

Amends current law relating to the terms of temporary directors and to deadlines for elections to confirm the creation of East Montgomery County Municipal Utility Districts Nos. 8, 9, 10, 11, 12, 13, and 14, Montgomery County Municipal Utility Districts Nos. 100 and 101, and Liberty County Municipal Utility District No. 5.

**Effective Date:** June 19, 2009

**HB 4719** by Aycock

**Senate Sponsor: Fraser**

**Relating to the creation of the Burnet County Municipal Utility District No. 3.**

Creates the Burnet County Municipal Utility District No. 3, providing the district all the powers granted to municipal utility districts operating under the Water Code and Texas Constitution. The bill authorizes the district to impose a tax and issue bonds.

**Effective Date:** June 19, 2009

**HB 4720** by Anchia

**Senate Sponsor: West**

**Relating to the creation of the Trinity River West Municipal Management District.**

Creates the Trinity River West Municipal Management District with the powers and duties of a municipal utility district under Water Code Chapters 49 and 54, and a municipal management district under Chapters 372, and 375, Local Government Code, Chapter 1371, Government Code and Chapter 311, Tax Code.

**Effective Date:** June 19, 2009

**HB 4722** by Cohen

**Senate Sponsor: Ellis**

**Relating to the creation of the Harris County Improvement District No. 11.**

Creates the Harris County Improvement District No. 11, with the powers and duties of an improvement district under Chapter 375, Local Government Code.

**Effective Date:** June 19, 2009

**HB 4723** by Taylor

**Senate Sponsor: Hegar**

**Relating to the powers and duties of the Bayview Municipal Utility District of Galveston County.**

Provides the Bayview Municipal Utility District of Galveston County with road powers within defined areas of the district and authorizes the district to issue bonds and assess property taxes for this purpose.

**Effective Date:** June 19, 2009

- HB 4727** by **Olivo** Senate Sponsor: **Huffman**  
**Relating to the powers and duties of the Sienna Plantation Management District.**  
Amends current law relating to the powers and duties of the district and provides authority to impose a fee or issue bonds.  
**Effective Date:** June 19, 2009
- HB 4728** by **Phil King** Senate Sponsor: **Estes**  
**Relating to the Parker County Utility District No. 1.**  
Makes the district territory include all of Parker County, clarifies that the district may provide for retail water and wastewater, and authorizes a customer advisory council for each retail unit.  
**Effective Date:** June 19, 2009
- HB 4737** by **Phillips** Senate Sponsor: **Estes**  
**Relating to the creation of the Lake Texoma Municipal Utility District No. 1.**  
Creates the Lake Texoma Municipal Utility District No.1, provides authority to impose a tax or assessment and issue bonds, and grants a limited power of eminent domain.  
**Effective Date:** September 1, 2009
- HB 4748** by **Gattis** Senate Sponsor: **Ogden**  
**Relating to the authority of the Williamson County Municipal Utility District No. 21 to extend the time limit for holding a confirmation and initial directors' election and to divide the two districts.**  
Extends the time limit for holding the confirmation election and authorizes the district to divide into two districts.  
**Effective Date:** June 19, 2009
- HB 4752** by **Parker** Senate Sponsor: **Estes**  
**Relating to the creation of the Prosper Management District No. 1.**  
Creates the Prosper Management District No. 1 and provides authority to impose a tax and issue bonds. This bill prohibits the district from exercising the power of eminent domain.  
**Effective Date:** September 1, 2009
- HB 4754** by **Kuempel** Senate Sponsor: **Wentworth**  
**Relating to the creation of the Guadalupe County Municipal Utility District No. 3.**  
Creates the Guadalupe County Municipal Utility District No. 3 (district) and provides for the administration, powers, duties, operation, and financing of the district. The bill empowers the district to purchase, acquire, and construct infrastructure, including roads, to serve the future occupants of the district and grants a limited power of eminent domain.  
**Effective Date:** June 19, 2009

**HB 4755** by **Kuempel** Senate Sponsor: **Wentworth**

**Relating to the creation of the Guadalupe County Development and Management District.**

Creates the Guadalupe County Development and Management District; and provides the authority to impose an assessment, impose a tax, and issue bonds.

**Effective Date:** June 19, 2009

**HB 4759** by **Quintanilla** Senate Sponsor: **Uresti**

**Relating to the creation of the Tornillo Management District.**

Creates the Tornillo Management District and provides authority to impose a tax and issue bonds. The bill prohibits the district from exercising the power of eminent domain.

**Effective Date:** June 19, 2009

**HB 4762** by **Tracy King** Senate Sponsor: **Uresti**

**Relating to the territory of and the validation of certain governmental acts and proceedings of the Edwards Aquifer Authority.**

Amends current law relating to the territory of, and the validation of certain governmental acts and proceedings of, the authority.

**Effective Date:** September 1, 2009

**HB 4771** by **Allen** Senate Sponsor: **Ellis**

**Relating to the powers and duties of Harris County Improvement District No. 5.**

Amends current law relating to the powers and duties of the district and provides authority to impose a tax and issue bonds.

**Effective Date:** June 19, 2009

**HB 4772** by **Kleinschmidt** Senate Sponsor: **Hegar**

**Relating to the creation of the Bastrop County Municipal Utility District No. 2.**

Relates to the creation of the district, provides the authority to impose a tax and to issue bonds, and grants a limited power of eminent domain.

**Effective Date:** June 19, 2009

**HB 4775** by **Bonnen** Senate Sponsor: **Huffman**

**Relating to the creation of the Alden Lake Management District.**

Creates the Alden Lake Management District and provides the district the authority to impose an assessment, impose a tax, and issue bonds. The bill prohibits the district from exercising the power of eminent domain.

**Effective Date:** June 19, 2009

- HB 4777** by Edwards Senate Sponsor: Ellis
- Relating to the creation of the Harris County Improvement District No. 12.**
- Creates the district Harris County Improvement District No. 12 as a special district and a municipal management district under Article XVI, Section 59, Texas Constitution.
- Effective Date:** June 19, 2009
- HB 4778** by Gattis Senate Sponsor: Ogden
- Relating to the creation of the Northwest Williamson County Municipal Utility District No. 1.**
- Amends current law relating to the creation of the district, provides authority to impose a tax and issue bonds, and grants a limited power of eminent domain.
- Effective Date:** June 19, 2009
- HB 4779** by Gattis Senate Sponsor: Ogden
- Relating to the powers and duties of the 3 B&J Municipal Utility District.**
- Relates to the powers and duties of the district and provides authority to impose a tax and issue bonds.
- Effective Date:** June 19, 2009
- HB 4785** by Weber Senate Sponsor: Mike Jackson
- Relating to the powers and financing of the Brazoria County Groundwater Conservation District.**
- Changes the election date for directors of the board of the district from November to May and establishes a maximum groundwater production fee in an amount not to exceed 17 cents per thousand gallons of water authorized to be or actually withdrawn from a well in the district.
- Effective Date:** June 19, 2009
- HB 4789** by Betty Brown Senate Sponsor: Deuell
- Relating to the creation of the Kaufman County Parks Improvement District; providing authority to impose a tax and issue bonds; providing penalties.**
- Amends current law relating to the creation of the Kaufman County Parks Improvement District, provides authority to impose a tax and issue bonds, and provides penalties.
- Effective Date:** June 19, 2009
- HB 4790** by Phillips Senate Sponsor: Estes
- Relating to the creation of the Brown’s Ranch Municipal Utility District No. 1 of Grayson County.**
- Amends current law relating to the creation of the district, provides authority to impose a tax and issue bonds, and grants a limited power of eminent domain.
- Effective Date:** September 1, 2009

- HB 4795** by Allen **Senate Sponsor: Ellis**
- Relating to territory included in, and the validation of acts of, the Harris County Improvement District No. 10 and the Harris County Improvement District No. 10B.**
- Amends current law relating to territory included in and the validation of acts of, district No. 10 and district No. 10B, and changes the name of district No. 10B.
- Effective Date:** June 19, 2009
- HB 4798** by Taylor **Senate Sponsor: Mike Jackson**
- Relating to the creation of the League City Improvement District.**
- Creates the League City Improvement District as a political subdivision of the State of Texas to administer and provide funding for economic development projects and services in the district.
- Effective Date:** June 19, 2009
- HB 4799** by Gattis **Senate Sponsor: Ogden**
- Relating to the creation of the Seven Oaks Ranch Municipal Utility District.**
- Relates to the creation of the Seven Oaks Ranch Municipal Utility District, provides authority to impose a tax and issue bonds, and grants a limited power of eminent domain.
- Effective Date:** September 1, 2009
- HB 4800** by Gattis **Senate Sponsor: Ogden**
- Relating to the creation of the San Gabriel Municipal Utility District No. 1.**
- Creates the district and sets forth provisions for the administration, powers, duties, operation, and financing of the district.
- Effective Date:** September 1, 2009
- HB 4803** by Maldonado **Senate Sponsor: Ogden**
- Relating to the creation of the South Fork Ranch Municipal Utility District.**
- Creates the district in order to purchase, acquire, or construct facilities for water, sewer, drainage, and road services to serve the future occupants of the land using tax exempt bonds. The bill also provides regulations regarding the administration, powers, duties, operation, and financing of the district.
- Effective Date:** June 19, 2009
- HB 4811** by Doug Miller **Senate Sponsor: Wentworth**
- Relating to the creation of the Comal County Water Control and Improvement District No. 6.**
- Relates to the creation of the district, provides authority to impose a tax and issue bonds, and grants a limited power of eminent domain.
- Effective Date:** June 19, 2009

**HB 4815** by Gattis Senate Sponsor: Ogden

**Relating to certain procedures regarding dissolution of the Ranch at Cypress Creek Municipal Utility District No. 1.**

Adds definitions for Association, Board, Declaration, Director, District, and Supplemental Property. Also addresses supplemental property in the event of district dissolution, elections for members, and voting rights of owners of supplemental property.

**Effective Date:** June 19, 2009

**HB 4817** by Gattis Senate Sponsor: Ogden

**Relating to the creation of the Goodwater Municipal Utility District No. 1.**

Creates the Goodwater Municipal Utility District No. 1 with the powers and duties of a municipal utility district under Water Code Chapters 49 and 54.

**Effective Date:** June 19, 2009

**HB 4818** by Harper-Brown Senate Sponsor: West

**Relating to the Dallas County Utility and Reclamation District.**

Amends enabling legislation to include definitions in relation to Dallas County Utility and Reclamation District. Changes the fees of office that a director can be reimbursed from a per diem payment of \$50 for each regular or special board meeting and expenses to be those fees established by Section 49.060, Texas Water Code. Validates, ratifies, and confirms all governmental and proprietary actions of the District taken.

**Effective Date:** June 19, 2009

**HB 4825** by Rose Senate Sponsor: Wentworth

**Relating to the creation of the Driftwood Economic Development Municipal Management District.**

Creates the Driftwood Economic Development Municipal Management District with the powers and duties of a municipal management district under Chapter 375, Local Government Code.

**Effective Date:** June 19, 2009

**HB 4827** by Coleman Senate Sponsor: Ellis

**Relating to the creation of Harris County Improvement District No. 13.**

Creates the Harris County Improvement District No. 13 with the powers and duties of an improvement district under Chapters 171, 375, 380, 394 and 505, Local Government Code and Water Code Chapter 49.

**Effective Date:** June 19, 2009

**HB 4828** by Coleman Senate Sponsor: Ellis

**Relating to the creation of Harris County Improvement District No. 12.**

Creates the Harris County Improvement District No. 12 as a special district and a municipal management district under Article XVI, Section 59, Texas Constitution.

**Effective Date:** June 19, 2009

**HB 4829** by Fletcher Senate Sponsor: Dan Patrick

**Relating to the creation of the Harris County Improvement District No. 17.**

Creates the Harris County Improvement District No. 17 and provides authority to impose an assessment, impose a tax, and issue bonds. Prohibits the district from exercising the power of eminent domain.

**Effective Date:** June 19, 2009

**SB 361** by Dan Patrick House Sponsor: Callegari

**Relating to the requirement that water and sewer service providers ensure operations during an extended power outage.**

Requires an affected utility district to adopt and submit for approval to TCEQ an emergency preparedness plan that demonstrates the utility's ability to provide emergency operations and to ensure the emergency operation of its water system during a power outage as soon as safe and practicable after a natural disaster.

**Effective Date:** June 19, 2009

**SB 588** by Hegar House Sponsor: Zerwas

**Relating to the creation of the Waller County Municipal Utility District No. 9; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.**

Creates the district and provides that the district will have all of the powers granted to municipal utility districts operating pursuant to Chapters 49 (Provisions Applicable to All Districts) and 54 (Municipal Utility Districts), Water Code, with road powers pursuant to Section 52 (Counties, Cities, or Other Political Corporations or Subdivisions; Lending Credit; Grants; Bonds) Article III (Legislative Department), Texas Constitution; the authority to impose a tax and issue bonds; and exercise a limited power of eminent domain.

**Effective Date:** June 19, 2009

**SB 637** by Hegar House Sponsor: Zerwas

**Relating to the creation of the Wharton County Drainage District.**

Creates the Wharton County Drainage District, and provides all powers granted to drainage districts operating pursuant to Article XVI, Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts) of the Constitution of Texas, including Chapters 49 (Provisions Applicable to All Districts) and 56 (Drainage Districts), Texas Water Code.

**Effective Date:** September 1, 2009









**SB 1209** by Fraser House Sponsor: Sid Miller

**Relating to the Middle Trinity Groundwater Conservation District.**

Amends the Middle Trinity GCD's enabling Act to add Sections 11A (Composition of Board and Election Directors Following Annexation of One or Two Counties) and 11B (Composition of Board and Election Directors Following Annexation of More Than Two Counties).

**Effective Date:** June 19, 2009

**SB 1223** by Eltife House Sponsor: Frost

**Relating to the creation, administration, powers, duties, and operation of the Riverbend Water Resources District.**

Creates the Riverbend Water Resources District with the authority to issue bonds and the power of eminent domain.

**Effective Date:** June 19, 2009

**SB 1241** by Hegar House Sponsor: Olivo

**Relating to the creation of the Fort Bend County Water Control and Improvement District No. 10.**

Makes changes to current law relating to the creation of the Fort Bend County Water Control and Improvement District No. 10, providing authority to impose a tax and issue bonds, and granting a limited power of eminent domain.

**Effective Date:** May 27, 2009

**SB 1253** by Seliger House Sponsor: Smithee

**Relating to the repeal of the power of certain districts and water supply corporations to allow the use of right-of-way easements for certain energy-related purposes.**

Repeals Section 49.22055 (Use of Right-of-Way Easements for Certain Energy-Related Purposes), Water Code.

**Effective Date:** September 1, 2009

**SB 1260** by Duncan House Sponsor: Darby

**Relating to the abolishment of the Lower Concho River Water and Soil Conservation Authority.**

Abolishes the Lower Concho River Water and Soil Conservation Authority and provides that any assets of the authority revert to the state in a certain manner.

**Effective Date:** September 1, 2009

**SB 1295** by Hegar House Sponsor: Charlie Howard

**Relating to the creation of the Aliana Management District.**

Creates the Aliana Management District to finance facilities, infrastructure, services, and economic opportunities in the commercial portion of the Aliana development.

**Effective Date:** May 23, 2009

**SB 1337** by Estes **House Sponsor: Phillips**

**Relating to the creation of the Van Alstyne Municipal Utility District No. 1 of Grayson County.**

Amends current law relating to the creation of the Van Alstyne Municipal Utility District No. 1 of Grayson County, providing authority to impose a tax and issue bonds, and granting a limited power of eminent domain.

**Effective Date:** June 19, 2009

**SB 1464** by Williams **House Sponsor: Creighton**

**Relating to the creation of the Harris County Municipal Utility District No. 525.**

Creates the district as a political subdivision of the State of Texas. The district will construct and finance water, sewer, drainage, road, and recreational facilities to serve property within the district, which is located partially within the corporate limits and partially within the extraterritorial jurisdiction of the City of Houston, Harris County. The district will be a municipal utility district operating pursuant to Chapters 49 (Provisions Applicable to All Districts) and 54 (Municipal Utility Districts), Water Code.

**Effective Date:** May 27, 2009

**SB 1483** by Huffman **House Sponsor: Eiland**

**Relating to the creation of the Galveston County Municipal Utility District No. 76.**

Creates the district, provides authority to impose a tax and issue bonds; and grants a limited power of eminent domain.

**Effective Date:** June 19, 2009

**SB 1755** by Fraser **House Sponsor: Fraser**

**Relating to the election of directors of the Clearwater Underground Water Conservation District.**

Changes the election date for the directors of the board of the district from the first Saturday in May to the uniform election date in November; provides a method of transition for the terms of district directors; and validates prior acts and proceedings of the district related to the election of directors.

**Effective Date:** May 19, 2009

**SB 1979** by Nichols **House Sponsor: Creighton**

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

Creates the Blaketree Municipal Utility District No. 1 of Montgomery County with the powers and duties of a municipal utility district under Water Code Chapters 49 and 54.

**Effective Date:** June 19, 2009



**SB 2453** by **Williams**

**House Sponsor: Williams**

**Relating to the East Montgomery County Improvement District.**

Authorizes the district to issue bonds for any district purpose and modifies the ownership required to be represented in a petition seeking the creation of a governing body for a development zone in the district.

**Effective Date:** September 1, 2009

**SB 2455** by **Dan Patrick**

**House Sponsor: Creighton**

**Relating to the creation of the Harris County Municipal Utility District No. 495.**

Provides for the creation of the district. The territory of the district will lie within an unincorporated area in Harris County.

**Effective Date:** May 27, 2009

**SB 2456** by **Hinojosa**

**House Sponsor: Rios Ybarra**

**Relating to the creation of the Brush County Groundwater Conservation District.**

Amends current law relating to the creation of the Brush Country Groundwater Conservation District; providing authority to impose a tax and issue bonds.

**Effective Date:** June 19, 2009

**SB 2460** by **Mike Jackson**

**House Sponsor: Weber**

**Relating to the creation of the Brazoria County Municipal Utility District No. 65.**

Provides for the creation of the district. The territory of the district will lie within an unincorporated area in Brazoria County. The district will have all of the powers granted to municipal utility districts operating pursuant to Chapters 49 (Provisions Applicable to All Districts) and 54 (Municipal Utility Districts), Water Code, with road powers pursuant to Section 52 (Counties, Cities, or Other Political Corporations or Subdivisions; Lending Credit; Grants; Bonds), Article III (Legislative Department), Texas Constitution; the authority to impose a tax and issue bonds; and exercise a limited power of eminent domain.

**Effective Date:** June 19, 2009

**SB 2462** by **Carona**

**House Sponsor: Driver**

**Relating to the powers and duties of the Falcon's Lair Utility and Reclamation District relating to the issuance of bonds.**

Provides that certain bonds issued by the district that are payable from assessments from the initial landowner or from revenue from a tax increment fund would not require approval by the TCEQ. Also contains standard legislative validation language for the actions of the district.

**Effective Date:** June 19, 2009

**SB 2463** by **Wentworth** House Sponsor: **Doug Miller**

**Relating to the creation of the Comal County Water Improvement District No. 2.**

Amends current law relating to the creation of the district, provides authority to impose a tax and issue bonds, and grants a limited power of eminent domain.

**Effective Date:** June 19, 2009

**SB 2464** by **Wentworth** House Sponsor: **Doug Miller**

**Relating to the creation of the Comal County Water Improvement District No. 1.**

Provides regulations regarding the creation, administration, powers, duties, operation, and financing of the district.

**Effective Date:** June 19, 2009

**SB 2466** by **Harris** House Sponsor: **Jim Jackson**

**Relating to the creation of the Cypress Municipal Management District.**

Provides for the district's administration, powers, duties, operation and financing and appointment of the district's board of directors. The bill also provides for the district to have the power to levy ad valorem taxes and to impose and levy assessments on property within its boundaries, to impose and collect other revenues for its public purposes, and to issue bonds and other obligations that are secured by such ad valorem taxes if such bonds are approved by the voters of the district at elections called for that purpose after receipt of required petitions.

**Effective Date:** June 19, 2009

**SB 2467** by **Dan Patrick** House Sponsor: **Fletcher**

**Relating to the creation of Waller Town Center Management District.**

Relates to the creation of Waller Town Center Management District; provides authority to impose an assessment, impose a tax, and issue bonds; and grants a limited power of eminent domain.

**Effective Date:** June 19, 2009

**SB 2470** by **Estes** House Sponsor: **Keffer**

**Relating to the creation of the Maverick Improvement District of Palo Pinto County.**

Creates the Maverick Improvement District of Palo Pinto County; provides the authority to impose a tax and issue bonds; and grants a limited power of eminent domain.

**Effective Date:** September 1, 2009



**SB 2485** by **Williams** House Sponsor: **Eissler**

**Relating to the creation of the Montgomery County Municipal Utility District No. 118.**

Relates to the creation of the district, provides authority to impose a tax and issue bonds, and grants a limited power of eminent domain.

**Effective Date:** June 19, 2009

**SB 2486** by **Williams** House Sponsor: **Eissler**

**Relating to the creation of the Montgomery County Water Control and Improvement District No. 3.**

Creates the Montgomery County Water Control and Improvement District No. 3, provides authority to impose a tax and issue bonds, and grants a limited power of eminent domain.

**Effective Date:** June 19, 2009

**SB 2495** by **Zaffirini** House Sponsor: **Gonzalez Toureilles**

**Relating to eligibility requirements to serve as a member of the board of directors of the Bee Groundwater Conservation District.**

Requires a person to own land in the single-member district from which the person is elected to serve as a director.

**Effective Date:** June 19, 2009

**SB 2496** by **Dan Patrick** House Sponsor: **Rose**

**Relating to the powers of the Westchase District.**

Relates to the powers of the Westchase District. Authorizes the District to be included in special investment and enterprise zones under Chapter 311 and 312 of the Tax Code. Defines the District as a governmental entity under Chapter 101, Civil Practices and Remedies Code in regard to tort liability, and allows the board to change the number of voting directors. Authorizes the District to join charitable organization and to create a non profit corporation. Authorizes the District to impose an assessment for electrical or optical lines.

**Effective Date:** June 19, 2009

**SB 2497** by **Estes** House Sponsor: **Hardcastle**

**Relating to the creation of the North Texas Groundwater Conservation District.**

Creates the North Texas Groundwater Conservation District; providing the authority to issue bonds.

**Effective Date:** May 27, 2009

**SB 2501** by West House Sponsor: Alonzo

**Relating to the creation of the North Oak Cliff Municipal Management District.**

Amends current law relating to the creation of the North Oak Cliff Municipal Management District, and provides the authority to impose an assessment, impose a tax, and issue bonds.

**Effective Date:** June 19, 2009

**SB 2503** by Nichols House Sponsor: Betty Brown

**Relating to the powers and duties of the Lake View Management and Development District.**

Amends current law relating to the powers and duties of the Lake View Management and Development District, provides authority to impose a tax and issue bonds, grants certain powers relating to navigation improvements, and grants powers of a road district.

**Effective Date:** May 27, 2009

**SB 2504** by Nichols House Sponsor: Creighton

**Relating to the creation of the Montgomery County Municipal Utility Districts Nos. 128 and 129.**

Provides regulations regarding the creation, administration, powers, duties, operation, and financing of MUD No. 128 and MUD No. 129.

**Effective Date:** September 1, 2009

**SB 2506** by Duncan House Sponsor: Chisum

**Relating to the creation of the Gray County Municipal Utility District No. 1.**

Amends current law relating to the creation of the district. The district will have all of the powers granted to municipal utility districts operating pursuant to Chapters 49 (Provisions Applicable to All Districts) and 54 (Counties, Cities, or Other Political Corporations or Subdivisions; Lending Credit; Grants; Bonds), Article III (Legislative Department), Texas Constitution; the authority to impose a tax and issue bonds; and the authority to exercise a limited power of eminent domain.

**Effective Date:** June 19, 2009

**SB 2507** by Mike Jackson House Sponsor: Legler

**Relating to the creation of the Harris County Improvement District No. 16.**

Creates the Harris County Improvement District No. 16, and provides authority to impose an assessment, impose a tax, and issue bonds.

**Effective Date:** June 19, 2009

**SB 2509** by Williams House Sponsor: Eissler

**Relating to the creation of the Montgomery County Water Control and Improvement District No. 2.**

Relates to the creation of the district, provides authority to impose a tax and issue bonds, and grants a limited power of eminent domain.

**Effective Date:** June 19, 2009

**SB 2510** by **Dan Patrick** House Sponsor: **Riddle**

**Relating to the creation of the Harris County Improvement District No. 18.**

Relates to the creation of the Harris County Improvement District No. 18 and provides authority to impose an assessment, impose a tax, and issue bonds.

**Effective Date:** June 19, 2009

**SB 2511** by **Williams** House Sponsor: **Eiland**

**Relating to the creation of Chambers County Improvement District No. 2.**

Creates the Chambers County Improvement District No. 2 (district), approximately 723 acres in western Chambers County, situated along FM 565, approximately 1/4 mile east of the intersection of FM 565 and FM 1405.

**Effective Date:** June 19, 2009

**SB 2512** by **Williams** House Sponsor: **Eiland**

**Relating to the creation of the Chambers County Improvement District No. 3.**

Relates to the creation of the Chambers County Improvement District No. 3, grants road powers, provides authority to impose a tax and issue bonds, and grants a limited power of eminent domain.

**Effective Date:** June 19, 2009

**SB 2513** by **Averitt** House Sponsor: **Dunnam**

**Relating to the name and confirmation of, and to certain fees imposed by, the McLennan County Groundwater Conservation District.**

Changes the name of the McLennan County Groundwater Conservation District to the Southern Trinity Groundwater Conservation District, removes the requirement for a confirmation election due to Priority Groundwater Management Area designation following creation of the district, and adjusts fees to allow the district to adequately fund its operations.

**Effective Date:** June 19, 2009

**SB 2514** by **Hegar** House Sponsor: **Zerwas**

**Relating to the powers of the North Fort Bend Water Authority.**

Amends current law relating to the powers of the North Fort Bend Water Authority, to give the Authority the power to bring an action or enforce rules against any penalties within the Authority's boundaries.

**Effective Date:** June 19, 2009



**SB 2524** by **Williams** House Sponsor: **Otto**

**Relating to the creation of the Liberty County Municipal Utility District No. 6.**

Relates to the creation of the Liberty County Municipal District No. 6, provides authority to impose a tax and issue bonds, and grants a limited power of eminent domain.

**Effective Date:** June 19, 2009

**SB 2526** by **Watson** House Sponsor: **Bolton**

**Relating to the creation of the Travis and Burnet Counties Improvement District No. 1.**

Creates the Travis County Improvement District No. 1 as a political subdivision of the State of Texas to administer and provide funding for economic development projects and services in the District. The District is currently located in an unincorporated area within Travis County. The District will be a management district similar to those operating pursuant to Chapter 375, Local Government Code, and Title 4, Special Districts Code.

**Effective Date:** June 19, 2009

**SB 2529** by **Estes** House Sponsor: **Phillips**

**Relating to the creation of the Red River Groundwater Conservation District.**

Creates the fee-based Red River Groundwater Conservation District to conserve and protect the groundwater resources of Fannin and Grayson counties.

**Effective Date:** September 1, 2009

**SB 2531** by **Gallegos** House Sponsor: **Hernandez**

**Relating to the creation of the Harris County Improvement District No. 15.**

Relates to the creation of the district, providing authority to impose an assessment, impose a tax, and issue bonds.

**Effective Date:** June 19, 2009

**SB 2536** by **Dan Patrick** House Sponsor: **Callegari**

**Relating to the powers of the West Harris County Regional Water Authority.**

Clarifies that the Authority is not governed by Chapter 36, Water Code, which applies to groundwater conservation district. This clarification draws an important districting between the Authority, which delivers water for wholesale water customers to assist with groundwater reduction regulations, and groundwater conservation districts, which regulate groundwater pumpage. The bill also exempts the Authority from certain requirements relating to the disqualification of water district directors, and from certain notice requirements required of water districts with taxing authority, which the Authority does not possess.

**Effective Date:** June 19, 2009

