

Texas Water Development Board

Financial Assistance

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Conservation & Education

Legislative Wrap-Up Report 80th Regular Session, 2007

August 2007

Texas Water Development Board



LEGISLATIVE WRAP UP REPORT

80th Regular Session, 2007

August 2007

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Texas Water Development Board

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Published and Distributed
by the
Texas Water Development Board
P.O. Box 13231, Capitol Station
Austin, Texas 78711-3231

August 2007

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Introduction

The 80th Regular Session of the Texas Legislature may be regarded as one of the very best and most successful for water policy changes and increased funding to develop future water supplies for the State of Texas. Historic actions on water conservation, environmental flows and reservoir site designation and unprecedented funding to implement water management strategies in the 2007 State Water Plan are investments in the future of Texas' water supply.

All eight recommendations for "necessary and desirable" legislation made by the Texas Water Development Board (TWDB) as authorized in Section 6.156, Water Code, were passed and signed into law. Three of the eight were passed as stand-alone bills and the remaining were amended into Senate Bill 3. Three of the five statutory changes recommended as part of the 2007 State Water Plan to ensure water for the future were passed by the Legislature.

The Legislative Wrap Up Report analyzes all of the legislation tracked by the TWDB that passed during the 80th Regular Session of the Texas Legislature in 2007. Of the more than 500 bills the agency tracked during the session, fewer than 100 were passed and signed into law.

The TWDB looks forward to the challenge of implementing the statutory, regulatory and financial tools provided by the 80th Texas Legislature. In sharing the "roadmap to implementation" with our stakeholders, the TWDB is identifying the staff responsible, the specific actions and timelines necessary in order to implement the provisions of the legislation passed and signed into law.

We hope you find this report educational and beneficial.

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Index of Agency-Tracked Bills in Numerical Order

Bill Number	Analysis On Page	Roadmap to Implementation (Yes/No)
HB 1	9	Yes – Pages 89 – 91 & 93
HB 3	10	Yes – Part of SB 3 Pages 101-104
HB 4	13	Yes – Part of SB 3 Pages 101-104
HB 15	17	No
HB 66	17	No
HB 119	18	No
HB 147	18	No
HB 149	19	No
HB 536	19	No
HB 576	20	No
HB 590	20	Yes – Page 94
HB 713	21	No
HB 891	21	No
HB 957	21	Yes – Page 92
HB 1100	22	No
HB 1237	23	Yes – Page 92
HB 1268	23	Yes – Page 92
HB 1297	24	Yes – Page 92-93
HB 1391	25	No
HB 1456	25	Yes – Page 96
HB 1493	25	No
HB 1495	26	No
HB 1497	27	No
HB 1498	27	Yes – Page 97
HB 1656	28	No
HB 1788	29	No
HB 1789	29	No
HB 1886	30	No
HB 2018	30	No
HB 2070	31	Yes – Page 97
HB 2072	31	Yes – Page 97
HB 2096	32	No
HB 2444	32	No
HB 2542	33	No
HB 2564	34	Yes – Page 94
HB 2654	34	No
HB 2714	36	No
HB 2839	36	Yes – Page 94
HB 2918	37	No
HB 3098	37	No
HB 3107	38	No
HB 3410	39	No
HB 3430	39	Yes – Page 96
HB 3475	40	No
HB 3560	40	Yes – Page 94
HB 3769	41	No
HB 3776	41	Yes – Page 100

Bill Number	Analysis On Page	Roadmap to Implementation (Yes/No)
HB 3837	42	No
HB 3838	43	No
HB 3995	44	Yes – Page 97
HB 4009	44	No
HB 4028	45	Yes – Page 98
HB 4029	45	Yes – Page 98
HB 4032	46	Yes – Page 98
HB 4114	47	Yes – Page 98
HCR 67	47	No
SB 3	48	Yes – Pages 101-104
SB 99	57	No
SB 175	58	Yes – Page 95
SB 300	58	No
SB 404	59	No
SB 592	59	Yes – Page 95
SB 616	60	Yes – Page 95
SB 622	60	No
SB 657	61	No
SB 662	62	Yes – Page 99
SB 687	62	No
SB 704	63	No
SB 707	64	No
SB 714	65	No
SB 747	65	No
SB 757	67	No
SB 781	68	Yes – Page 95
SB 908	69	No
SB 924	71	No
SB 968	71	No
SB 1271	72	No
SB 1306	72	Yes – Page 95
SB 1310	73	No
SB 1332	73	No
SB 1383	74	No
SB 1436	75	Yes – Page 105
SB 1604	77	Yes – Page 99
SB 1761	81	No
SB 1762	81	Yes – Part of SB 3 Pages 101-104
SB 1833	82	No
SB 1950	83	No
SB 1983	84	Yes – Page 99
SB 1985	85	Yes – Page 99
SB 2029	85	No
SJR 20	86	Yes – Page 106

Index of Agency-Tracked Bills by Subject Category

<i>Category</i>	<i>Bill(s)</i>
Appropriations/Finance	HB 1 HB 15 HB 3107 SB 908 SB 1332
Desalination	HB 2654
Ethics/Legal Issues	HB 590 HB 2839 HB 3560 SB 300 SB 592 SB 616 SB 1306
Financial Assistance/Economically Distressed Areas	HB 1 SB 99 SJR 20
Flooding	SB 1436
Groundwater Conservation Districts/Groundwater Issues	HB 1498 HB 2018 HB 2070 HB 2072 HB 3098 HB 3837 HB 3838 HB 3995 HB 4009 HB 4028 HB 4029 HB 4032 HB 4114 SB 404 SB 662 SB 714 SB 747 SB 1383 SB 1604 SB 1950 SB 1983 SB 1985 SB 2029
Human Resources/State Employee Issues	HB 957 HB 1297 HB 2542 SB 1310 SB 1761

Category	Bill(s)
Information Resources/Technology Issues	HB 66 HB 1493 HB 1788 HB 1789 HB 2918 HB 3430 SB 622 SB 687 SB 757
Omnibus Water Bill	SB 3
Project Oversight/Utility Operations	HB 119 HB 147 HB 149 HB 536 HB 576 HB 713 HB 1100 HB 1268 HB 1391 HB 1456 HB 1495 HB 1886 HB 2096 HB 2444 HB 3410 HB 3475 HB 3769 SB 657 SB 704 SB 707 SB 781 SB 924 SB 968 SB 1271 SB 1833
Public Information/Open Records	HB 1237 HB 1497 HB 2654 SB 175
Regional Water Planning	HB 3776 HCR 67 SB 1762
Surface Water Issues	HB 3 HB 891
Water Conservation	HB 4 HB 1656

ANALYSES OF AGENCY-TRACKED BILLS THAT PASSED

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HOUSE BILL 1	
AUTHOR:	Rep. Chisum, Warren
SPONSOR:	Sen. Ogden, Steve
CAPTION:	<i>General Appropriations Bill</i>
CATEGORY:	Appropriations/Finance
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Tom Tagliabue

Includes significant appropriation increases that are an investment in the future water supply, distribution and delivery systems serving Texas communities. H.B. 1 included funding to implement seven of the 14 original exceptional item requests and all five of the State Water Plan funding requests. H.B. 1 also contained appropriation to TWDB for the Colonia Self-Help Program that will make available a total of \$600,000 in grants over the next two fiscal years to bring water and wastewater services to colonias located within 50 miles of the Texas-Mexico border. Non-profit organizations are eligible to apply for the program where resident volunteers provide sweat equity and/or donate equipment, materials/supplies, to construct the water and/or wastewater facilities.

In addition to its base funding request, the TWDB also received funding to restore the Municipal Water Conservation program, for the next round of Regional Water Planning, for Groundwater Management Area joint studies, and contingency riders for Senate Bill 3, House Bill 4, and Senate Bill 1436. H.B. 1 appropriated an additional \$30.6 million over and above the agency's \$78.0 million baseline request for agency programs and administration. Additional staffing to implement the programs funded in H.B. 1 was also approved. In Fiscal Year 2008, the TWDB will add 47.2 FTEs and in Fiscal Year 2009, another 22 additional employees will be added giving the agency a cap of 348.1 FTEs.

H.B. 1 appropriated almost \$56 million over and above the agency's \$54.7 million baseline request to pay the debt service on General Obligation bonds that will finance water and wastewater projects through existing agency programs -- the Economically Distressed Area Program, the State Participation Program, and the Water Infrastructure Fund (including all five of the State Water Plan funding requests). Also included are funds to allow TWDB to issue the final \$12 million in Economically Distressed Area Program bonds originally authorized by voters in 1989 and \$50 million in State Participation bonds. Financing to implement water management strategies in the 2007 State Water Plan will help ensure the future water supply needs of the state. H.B. 1 appropriated debt service payments to the TWDB to provide reduced-interest loan rates and deferral of annual principal and interest payments for State Water Plan projects funded through the Water Infrastructure Fund. The Water Infrastructure Fund is designed to fund current project needs and pre-construction environmental and engineering studies. Up to 10 years of payment deferral for principal and interest is available to conduct the pre-construction studies. All political subdivisions of the state and non-profit water supply corporations are eligible to apply for assistance from the Water Infrastructure Fund. In addition to the Water Infrastructure Fund funding, the 80th Legislature appropriated to the TWDB in H.B. 1 debt service for the State Participation and Economically Distressed Areas Programs to fund State Water Plan projects. Total project funding from bond proceeds is \$762.4 million.

HOUSE BILL 3	
AUTHOR:	Rep. Puente, Robert
SPONSOR:	Sen. Averitt, Kip
CAPTION:	<i>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.</i>
CATEGORY:	Surface Water Issues
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Mark Wentzel

This Bill strengthens the state’s programs to ensure effective administration and enforcement of surface water rights.

Article 1

Sections 1.03, 1.06, 1.07 and 22 impact or apply to programs administered by the Texas Water Development Board (TWDB). Section 1.03 waives the Texas Commission on Environmental Quality fee for water rights deposited in the Texas Water Trust.

Section 1.06 - Recommends exploring options to fill the gap for basins with insufficient unappropriated water to meet environmental flow requirements and discusses the need to improve bay and estuary and refine instream flow implementation. It recognizes the ongoing nature of reviewing environmental flow needs and to use adaptive management.

Section 1.07 - Requires a TWDB member to serve on the Environmental Flows Advisory Group and requires the TWDB to report the status of certain environmental flow activities and programs to the Environmental Flows Advisory Group and to provide technical assistance to each Bay and Basin Expert Science Team created under this section.

Section 1.22 - Allows TWDB to use money in the Research and Planning Fund of the Water Assistance Fund: (1) to compensate members both of the Environmental Flows Science Advisory Committee and of the Bay and Basin Expert Science Teams for attendance and participation at meetings of the committee and for travel related expenses and (2) to pay administrative expenses both of the stakeholder committees and of the expert science teams. This fiscal note assumes that existing studies and information will be used by the Texas Environmental Flows Science Advisory Committee and the Bay and Basin Expert Science Teams. Funds are not included to do additional studies through grant funds. If additional studies are contemplated fiscal impacts to the agency would increase.

Article 2

Increases the pumping limit for the Edwards Aquifer Authority and establishes a process for development of a critical period management plan. Establishes the Recovery Implementation Program at the Edwards Aquifer Authority.

Section 2.01 - Amends Subsection (f), Section 1.11, Chapter 626 Acts of the 73rd Legislature, Regular Session, 1993 to allow the authority to own, finance design, construct, operate, or maintain recharge facilities. Clarifies what a recharge facility is and that it is not a facility to recirculate water at Comal or San Marcos springs. Specifies notice requirements associated with developing recharge structures and requirements for input from and partnering opportunities for entities in which the structures will be located.

Section 2.02 - Amends Subsection (a), (c), (e), (f), and (h) Section 1.14 Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993 to recognize “the hydro-geologic connection between surface water and groundwater;” amend the amount of permitted withdrawals from 400,000 acre-feet to “not exceed or be less than 572,000 acre-feet”; clarify for what purpose the authority may allow new wells to be drilled; change the trigger level in well J-17 from 650 feet above mean sea level to 660 feet above mean sea level and remove text regarding limiting withdrawals from the Uvalde pool when J-17 is above 845; and, remove a June 1, 1994 date associated with the authority implementing and enforcing water management practices to maintain springflows.

Section 2.04 - Amends Subsection (b) Section 1.19, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993 requiring that withdrawal of water must be consistent with the authority’s critical period management plan as established under Section 1.26 of the Edwards Aquifer Authority Act (Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993). Also adds two new spring flow limits for term permit withdrawals. The limits to San Antonio pool term permits now include: 1) J-17 must be higher than 675 feet above mean sea level (increased from 660 previously); 2) the flow at Comal Springs must be higher than 350 cfs and, 3) the flow at San Marcos Springs must be greater than 200 cfs.

Section 2.06 - Amends Section 1.26, Article 1, Chapter 626, Acts of the 73rd Legislature Regular Session, 1993 and adds a new Section 1.26A. Section 1.26 requires that after the program document outlined in Section 1.26A has been received and adopted, the authority will prepare a report for the Governor, Lieutenant Governor and Speaker of the House describing recommendations and actions taken and/or reasons recommendations are not implemented. Requires that the authority adopt a critical period management plan by January 1, 2008 and to enforce it in accordance with the tables for critical withdrawal periods for the San Antonio and Uvalde pools included in this section. Withdrawal reductions specified are up to 40% of permitted rights in the San Antonio pool and 35% in the Uvalde pool.

This section has a provision for raising or lowering the withdrawal rate based on a 10-day average of the water levels at J-17 and the spring flow rates at Comal and San Marcos springs. Beginning September 1, 2007, the authority may not require that the volume of permitted withdrawals be less than 340,000 acre-feet under stage IV with this limit reducing to 320,000 acre-feet after January 1, 2013 unless modified as a result of Section 1.26A activities.

The new Section 1.26A (b) requires the Edwards Aquifer Authority to enter into a memorandum of agreement by December 31, 2007 with the U.S. Fish and Wildlife Service, other appropriate federal agencies, the Texas Commission on Environmental Quality, the Texas Parks and Wildlife Department, the Texas Department of Agriculture, and the Texas Water Development Board and other stakeholders to prepare a program document that may be in the form of a habitat conservation plan.

The new Section 1.26A (c) requires the Edwards Aquifer Authority to enter into an implementing agreement (referred to as ‘cooperative agreement’ in subsection (d-2) by December 31, 2009 with the U.S. Fish and Wildlife Service, other appropriate federal agencies, the Texas Commission on Environmental Quality, the Texas Parks and Wildlife Department, the Texas Department of Agriculture, and the Texas Water Development Board and other stakeholders jointly to prepare a program document that may be in the form of a habitat conservation plan to be used in issuance of a federal incidental take permit.

The program document shall: 1) make recommendations regarding withdrawal adjustments to ensure species protection at all times; 2) provide for pursuit of funding from government and other sources including funding for a program director; and 3) be approved and executed by the Authority and others by September 1, 2012 and taking effect December 31, 2012.

Texas A&M University shall assist in the creation of a steering committee of approximately 21 members from various state agencies and other technical experts including the TWDB by September 30, 2007. The steering committee will work with A&M to hire a director; establish meeting schedules; appoint an expert science subcommittee by December 31, 2007; and, establish a recharge facility feasibility subcommittee.

The expert science committee shall develop and submit recommendations no later than December 31, 2008 including the option of designating a separate San Marcos pool; the necessity to maintain minimum springflows to protect endangered species; and, the possibility of making adjustments to trigger levels for the San Marcos Springs and San Antonio pool. With input from stakeholders and others, the steering committee shall submit recommendations to the authority that must include periodic review, monitoring, and refining of the critical period management plan.

Section 2.08 - Amends Subsections (b), (h) and (i), Section 1.29, Chapter 626, Acts of the 73rd Legislature Regular Session, 1993 by changing a fee assessment reference associated with water districts from Chapter “52” to Chapter “36.”

Sections 2.05 and 2.09 – Updates Sections 1.14, 1.21, 1.22, and Section 1.29, Chapter 626, Acts of the 73rd Legislature Regular Session, 1993 to remove reference to ‘retirement’ of water rights regarding how the withdrawal cap could be raised and the need for and associated financing required to buy down rights in order to reduce withdrawals to meet limits.

HOUSE BILL 4	
AUTHOR:	Rep. Puente, Robert
SPONSOR:	Sen. Averitt, Kip
CAPTION:	<i>Relating to water conservation</i>
CATEGORY:	Water Conservation
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Ruben E. Ochoa; Comer Tuck; John Sutton; Kate McAfee; and Hari Krishna

Proposes a number of changes to the Water Code, Education Code, Government Code, Health and Safety Code Local Government Code, Tax Code and Occupations Code. Some of the proposals mirror a number of recommendations put forward by the Water Conservation Implementation Task Force (created via passage of S.B. 1094 by the 78th Texas Legislature) in their 2004 *Report to the 79th Legislature* and by the Texas Rainwater Harvesting Evaluation Committee (created via passage of House Bill 2430 by the 79th Texas Legislature) in their 2006 report to the 80th Legislature entitled, *Rainwater Harvesting Potential and Guidelines for Texas*.

Section 1: Land Stewardship - Amends Section 1.003, Water Code, to add a provision for the voluntary stewardship of public and private lands to benefit waters of the state to the list of existing express public policies of the state regarding the conservation of development of the state's natural resources.

Section 2: Land Stewardship - Amends Subchapter A, Chapter 1, Water Code by adding Section 1.004 to include findings and policy regarding voluntary land stewardship and to define "land stewardship." Finds that voluntary land stewardship enhances surface water and groundwater supplies. Declares that it is the policy of the state to encourage voluntary land stewardship as a significant water management tool.

Section 3: Water Conservation Advisory Council - Amends Subtitle A, Title 2, Water Code by adding Chapter 10 creating the Water Conservation Advisory Council. "Best management practices" is defined. The Water Conservation Advisory Council is created to provide the Governor, Lieutenant Governor, Speaker of the House of Representatives, Legislature, Texas Water Development Board, Texas Commission on Environmental Quality, political subdivisions, and the public with the resource of a select council with expertise in water conservation. The Water Conservation Advisory Council will consist of 23 members. The TWDB is required to appoint one member to represent each of the following entities or interest groups to serve on the 23-member Water Conservation Advisory Council:

- (1) Texas Commission on Environmental Quality,
- (2) Department of Agriculture,
- (3) Parks and Wildlife Department,
- (4) State Soil and Water Conservation Board,
- (5) Texas Water Development Board,
- (6) regional water planning groups,
- (7) federal agencies,
- (8) municipalities,
- (9) groundwater conservation districts,
- (10) river authorities,

- (11) environmental groups,
- (12) irrigation districts,
- (13) industries,
- (14) institutional water users,
- (15) professional organizations focused on water conservation,
- (16) higher education,
- (17) agricultural groups,
- (18) refining and chemical manufacturing,
- (19) electric generation,
- (20) landscape irrigation and horticulture,
- (21) water control and improvement districts,
- (22) rural water users, and
- (23) municipal utility districts.

This section of the bill contains provisions for Water Conservation Advisory Council member terms, the selection of a presiding officer, utilization of TWDB staff, public meeting and public information requirements, member compensation, powers and duties, and reporting requirements.

The Water Conservation Advisory Council is specifically required to: (1) monitor trends in water conservation implementation; (2) monitor new technologies for possible inclusion by the TWDB Board as best management practices in the best management practices guide developed by the Water Conservation Implementation Task Force under Chapter 109, Acts of the 78th Legislature, Regular Session, 2003; (3) monitor the effectiveness of the statewide water conservation public awareness program developed under Section 16.401 and associated local involvement in implementation of the program; (4) develop and implement a state water management resource library; (5) develop and implement a public recognition program for water conservation; (6) monitor the implementation of water conservation strategies by water users included in regional water plans; and (7) monitor target and goal guidelines for water conservation to be considered by the TWDB and Texas Commission on Environmental Quality.

Not later than December 1 of each even-numbered year, the Water Conservation Advisory Council shall submit to the Governor, Lieutenant Governor, and Speaker of the House of Representatives a report on progress made in water conservation in this state. On request by the Water Conservation Advisory Council, the TWDB shall provide any necessary staff to assist the Water Conservation Advisory Council in the performance of its duties.

The Water Conservation Advisory Council is required to conduct a study regarding the desirability of requiring the TWDB to designate certified water conservation training facilities, entities, and programs that provide assistance to retail public utilities in developing water conservation plans and to give preference to certified water conservation facilities in making loans or grants. The Water Conservation Advisory Council is required to submit a report containing the findings of the study to the Governor, Lieutenant Governor, and Speaker of the House by December 1, 2008. This section expires June 1, 2009.

Section 4: Best Management Practices - Amends Section 11.002, Water Code, by adding Subsection (15) defining “best management practices.”

Section 5: Land Stewardship - Amends Section 11.0235(b), Water Code, by adding a statement regarding legislative encouragement of voluntary water and land stewardship to benefit the water in the state.

Section 6: Water Conservation Plans - Amends Subchapter E, Chapter 13, Water Code, by adding Section 13.146 directing the Texas Commission on Environmental Quality to require retail public utilities with 3,300 connections or more to submit a water conservation plan to the TWDB. The conservation plan must be based on specific targets and goals developed by the utility and using appropriate best management practices or other water conservation strategies.

Section 7: Water Loan Assistance Fund - Amends Section 15.102 (b) (2) (c), Water Code, to add water conservation projects to an existing list of projects that are eligible for grants under the TWDB's Water Loan Assistance Fund.

Section 8: Subchapter K. Water Conservation - Amends Chapter 16, Water Code, by adding Subchapter K. Water Conservation to include: A new Section 16.401 creating the Statewide Water Conservation Public Awareness Program directing the TWDB to develop and implement a statewide water conservation public awareness program to educate residents of this state about water conservation. The program shall take into account the differences in water conservation needs of various geographic regions of the state and shall be designed to complement and support existing local and regional water conservation programs. The TWDB is required to develop and implement the program in a state fiscal biennium only if the Legislature appropriates sufficient money in that biennium specifically for that purpose. A new Section 16.402 establishing the Water Conservation Plan Review process related to Section 6 which requires each entity that submits a water conservation plan to the Texas Commission on Environmental Quality under this code to submit a copy of the plan to the TWDB. This section requires these entities to report annually to the TWDB on their progress in implementing the plan. The TWDB is required to review each water conservation plan and annual report to determine compliance with the minimum requirements and submission deadlines. The TWDB and Texas Commission on Environmental Quality are jointly required to adopt rules implementing this section.

Section 9: On-Site Reclaimed System Technologies Curriculum - A new Section 51.969, Chapter 51, Education Code, requires the Texas Higher Education Coordinating Board to encourage institutions of higher education to develop curriculum and provide related instruction regarding on-site reclaimed system technologies, including rainwater harvesting, condensate collection, or cooling tower blow down.

Section 10: On-Site Reclaimed Technologies - Amends Section 447.004, Government Code, by adding Subsections (c-1) and (c-2). Subsection (c-1) provides that procedural standards adopted under this section must require that on-site reclaimed technologies, including rainwater harvesting system, condensate collection, or cooling tower blow down, or a combination of those system technologies, for non-potable indoor use and landscape watering be incorporated into the design and construction of each new state building with a roof area of at least 10,000 square feet (and other state buildings where feasible). Subsection (c-2) provides that the procedural standards required under (c-1) do not apply to a building if the state agency or institution of higher education determines that compliance is impractical and the state agency or institution of higher education notify the state energy conservation office of the determination and provide documentation supporting the determination.

Section 11: Rainwater Harvesting Standards - Amends Section 341.042, Health and Safety Code to require the Texas Commission on Environmental Quality by rule to provide that structures connected to public water supply and a rainwater harvesting system use the rainwater only for non-potable purposes, and to make explicit that rules on public drinking water supply adopted by the Texas Commission on Environmental Quality do not apply to persons who harvest rainwater for domestic use and whose property is not connected to a public drinking water supply system.

Section 12: Water Conservation By Home-Rule Municipality - Amends Chapter 401, Local Government Code, by adding Section 41.006 to permit a home-rule municipality to adopt and enforce water conservation ordinances in the municipality and by customers of their municipally-owned water and sewer utility who are served in the municipality's extraterritorial jurisdiction.

Section 13: Landscape Irrigation Standards - Amends Section 1903.053, Occupations Code, to direct the Texas Commission on Environmental Quality to adopt rules to establish and enforce standards governing landscape irrigation systems and licensed irrigators. The Texas Commission on Environmental Quality is required to consult with the Irrigator Advisory Council in adopting standards under this section.

Section 14: Water-Related Exemptions - Amends section 151.355, Tax Code, to add tangible personal property used to process, reuse, or recycle wastewater used in oil and gas fracturing process to the list of existing property exempt from taxes imposed by this chapter of the Tax Code.

Section 15: Tax exemption applicability - Makes clear that changes made by this Act by Section 14 does not affect taxes imposed before the effective date of this Act.

Section 16: Appointment of Council Members - Requires the TWDB to appoint members of the Water Conservation Advisory Council as soon as practicable. Establishes staggered system of dates for expiration of member terms.

Section 17: Existing TWDB Loan applications - Makes clear that changes made by this Act to Section 15.102 (b), Water Code, applies only to an application for financial assistance filed with the TWDB on or after the effective date of this Act.

Section 18: Rule Adoption - Requires the Texas Commission on Environmental Quality and TWDB to adopt rules relating to the requirement for water conservation plans as contained in Section 16.402(e), Water Code, by January 1, 2008.

Section 19: Standards for Landscape Irrigation Systems - Requires the Texas Commission on Environmental Quality to adopt standards as required by Section 1903.053 of the Occupations Code as amended by this Act by June 1, 2008, to take effect January 1, 2009.

HOUSE BILL 15	
AUTHOR:	Rep. Chisum, Warren
SPONSOR:	Sen. Ogden, Steve
CAPTION:	<i>Relating to making supplemental appropriations and reductions in appropriations and giving direction, transfer authority, and other adjustment authority regarding appropriations.</i>
CATEGORY:	Appropriations/Finance
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Tom Tagliabue

The Supplemental Appropriations bill gives to certain state agencies additional appropriations for the current Fiscal Year 2007 or the upcoming 2008-2009 biennium for specific actions, programs or services. Section 30 (a)(15) of H.B. 1 contains an appropriation of \$2,466,681 in General Revenue funds during the 2008-2009 biennium to the TWDB for data center services provided through the Department of Information Resources. Other parts of H.B. 15 appropriated funds to the Department of Information Resources to pay for data center services that may involve the TWDB as well as other state agencies. Section 30 (n)(18) of H.B. 15 appropriates \$83,000 in General Revenue funds during the Fiscal Year 2008-2009 biennium to the TWDB for hardware upgrades and the physical transfer of equipment related to data center services.

HOUSE BILL 66	
AUTHOR:	Rep. Leibowitz, David
SPONSOR:	Sen. Watson, Kirk
CAPTION:	<i>Relating to power management software for state agencies</i>
CATEGORY:	Information Resources/Technology Issues
EFFECTIVE:	May 23, 2007
ANALYSIS BY:	Chris Adams

This bill would require the Department of Information Resources to research and select power management software to be used, if technically feasible, by state agencies in order to reduce the amount of energy required to operate their computer networks and personal computers. Each state agency that would benefit, as determined by the Department of Information Resources, by providing cost savings in the fiscal biennium ending August 31, 2009, is required to purchase, lease, or otherwise acquire and use the software. The Department of Information Resources would determine if the power management software would benefit a state agency and if so, purchase or lease the power management software for the agency's networked personal computers.

Commercially available software exists that can reduce power usage of a personal computer and reportedly can save an average of \$20 per computer per year. The state has the potential to save on its energy bill through the use of such power management software. The state currently maintains approximately 109,000 networked personal computers at state agencies and 193,000 at state universities.

HOUSE BILL 119	
AUTHOR:	Rep. Brown, Fred
SPONSOR:	Sen. Ogden, Steve
CAPTION:	<i>Relating to the exemption from competitive bidding for certain purchases</i>
CATEGORY:	Project Oversight/Utility Operations
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Jessica R. Balandran

Relates to the exemption of certain purchases from competitive bidding requirements and does not grant rulemaking authority to change the bidding threshold.

TWDB will competitively bid out purchases that exceed \$5,000 and are made under a written contract. TWDB will also ensure that a catalog purchase or lease that exceeds \$5,000, or is made under a written contract, is based on the evaluation of at least three catalog offers with appropriate documentation for any variances from this requirement.

HOUSE BILL 147	
AUTHOR:	Rep. Phillips, Larry
SPONSOR:	Sen. Seliger, Kel
CAPTION:	<i>Relating to the deferral of an administrative penalty imposed by the Texas Commission on Environmental Quality against certain utilities and districts.</i>
CATEGORY:	Project Oversight/Utility Operations
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Larry Zamzow

Allows municipally-owned utilities, a water supply service corporation, or other constitutionally authorized district the use of the amount of administrative fines levied against them by the Texas Commission on Environmental Quality to correct deficiencies in the utility's facilities. The bill changes the definition of a district that may utilize this provision.

The TWDB has made loan commitments on an average of \$63,698,026 per year since 1997 in the Drinking Water State Revolving Fund program, while an average of \$219,805,912 has been committed annually since 1988 in the Clean Water State Revolving Fund program. The Texas Commission on Environmental Quality assessed \$3,851,689 in administrative orders in the Water Quality Program and \$462,248 in administrative orders in the Public Water Supply Program for Fiscal Year 2006. On average, these administrative orders combine to make up only approximately 1.5 percent of the TWDB's annual commitment amount.

HOUSE BILL 149	
AUTHOR:	Rep. Phillips, Larry
SPONSOR:	Sen. Estes, Craig
CAPTION:	<i>Relating to rates charged for water or sewer services by an entity that takes over a nonfunctioning water or sewer system.</i>
CATEGORY:	Project Oversight/Utility Operations
EFFECTIVE:	EFFECTIVE: September 1, 2007
ANALYSIS BY:	ANALYSIS BY: Luis Farias

Authorizes the Texas Commission on Environmental Quality to establish procedures that will allow retail public utilities that take over nonfunctioning retail water or service utility service providers to charge a reasonable rate for services provided to those customers of the nonfunctioning system. The rate will be in place immediately to recover service costs.

The process must also be expeditious when the retail public utility is applying to Texas Commission on Environmental Quality for a ruling on the reasonableness of the rate that will be charged to customers of the nonfunctioning system. It should also be considerate of all cost required to bring adequate service to the customers of the nonfunctioning system and allow the retail public utility system a reasonable period of time to bring the nonfunctional system in to compliance with Texas Commission on Environmental Quality rules. Texas Commission on Environmental Quality will not impose any penalties for deficiencies that are present when the retail public utility takes over the nonfunctional system.

HOUSE BILL 536	
AUTHOR:	Rep. Truitt, Vicki
SPONSOR:	Sen. Wentworth, Jeff
CAPTION:	<i>Relating to the consent required for a municipality to annex a water or sewer district.</i>
CATEGORY:	Project Oversight/Utility Operations
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Jeff Walker

Further defines requirements for municipalities that are annexing water or sewer districts that lie within the jurisdiction of two or more municipalities.

Should have no operational impact because this bill does not change the duties required of an annexing municipality, such as requiring the municipality to pay off the debt of the district. This bill clarifies that written consent is not required from the other municipalities if the area is under 100 acres or the district has had a majority of its area previously annexed.

HOUSE BILL 576	
AUTHOR:	Rep. Smith, Wayne
SPONSOR:	Sen. Ellis, Rodney
CAPTION:	<i>Relating to the bid bond form of bid deposit for certain special district construction projects.</i>
CATEGORY:	Project Oversight/Utility Operations
EFFECTIVE:	June 16, 2007
ANALYSIS BY:	Mark Hall

Clarifies that for construction contracts over \$250,000 a certified or cashier's check or a bid bond of at least two percent of the total amount of the bid is acceptable as a good faith deposit. Amends Section 49.271(c), Water Code, to require a district to accept a bid bond in the amount required by the district as a bid deposit if the bid bond meets the other requirements in the subsection.

HOUSE BILL 590	
AUTHOR:	Rep. Delisi, Dianne
SPONSOR:	Sen. Zaffirini, Judith
CAPTION:	<i>Relating to standards of conduct for and conflicts of interest of state officers and employees.</i>
CATEGORY:	Ethics/Legal Issues
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Jim Bateman

Amends Government Code Sec. 572.051 to require state agencies to adopt an ethics policy and distribute the policy and Government Code Chapter 572, Subchapter C, to employees by January 1, 2008; to each new employee not later than the third business day after the date the person begins employment with the agency; and to each new officer not later than the third business day after the date the person qualifies for office. The Attorney General must develop a model ethics policy and distribute to each agency. A state employee who violates an ethics policy is subject to termination or another sanction, and a state officer or employee who violates Sec. 572.051(a) is subject to any applicable civil or criminal penalty if another statute or rule is violated. The Attorney General must notify the Ethics Commission of the status of an investigation within 60 days after a person notifies the prosecuting attorney of a violation of an ethics policy that is also a criminal offense. Requires the Ethics Commission to assist a prosecuting attorney in investigating a violation that is also a criminal offense.

HOUSE BILL 713	
AUTHOR:	Rep. Callegari, Bill
SPONSOR:	Sen. Seliger, Kel
CAPTION:	<i>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.</i>
CATEGORY:	Project Oversight/Utility Operations
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Jeff Walker

Allows a Fresh Water Supply District to issue debt or contract to acquire a water or sewer system and convey that system to another district or water supply corporation. It is possible that the Fresh Water Supply District could ask to borrow funds from the TWDB to acquire the system but it would be problematic in that the borrower would then convey title to another district or water supply corporation.

HOUSE BILL 891	
AUTHOR:	Rep. Hilderbran, Harvey
SPONSOR:	Sen. Fraser, Troy
CAPTION:	<i>Relating to water rights Permit No. 5394A issued to the Upper Guadalupe River Authority.</i>
CATEGORY:	Surface Water Issues
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Matt Nelson

This bill will remove one of the special conditions in a water right (539A) held by the Upper Guadalupe River Authority. The condition (5E) requires that 1,661 acre feet of the 2,000 acre feet in the water right must be committed to a binding take-or-pay contract by December 31, 2010 or that portion of the water right will be cancelled.

HOUSE BILL 957	
AUTHOR:	Rep. Orr, Rob
SPONSOR:	Sen. Ellis, Rodney
CAPTION:	<i>Relating to participation by certain state employees in a default investment product under a deferred compensation plan.</i>
CATEGORY:	Human Resources/State Employee Issues
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Chris Adams

Requires that a state employee who works for an agency participating in a 401(k) investment program will be automatically enrolled in this program unless the employee opts out. If an employee elects to accept the automatic participation, the employee must also elect to have their compensation paid by electronic deposit.

Currently the state has a deferred compensation option, or 401(k), available for state employees. The nation as a whole suffers from low levels of personal savings.

The Comptroller of Public Accounts will manage this process through payroll deduction. However, TWDB Human Resources in conjunction with the TWDB payroll officer will be responsible for ensuring that employees are aware of how the program works.

HOUSE BILL 1100	
AUTHOR:	Rep. Lucio III, Eddie
SPONSOR:	Sen. Lucio, Jr. Eddie
CAPTION:	<i>Relating to cancellation of a subdivision plat under certain circumstances.</i>
CATEGORY:	Project Oversight/Utility Operations
EFFECTIVE:	June 16, 2007
ANALYSIS BY:	Marisol Saenz

Adds a new Section 232.0083 to Local Government Code (LGC) Chapter 232, Subchapter A concerning cancellation of a subdivision plat where the existing plat is obsolete.

Authorizes a person owning real property in a subdivision (Applicant) to apply to the county commissioners court (Court) for cancellation of the existing subdivision plat and to reestablish the property using a lots and blocks description consistent with a previous subdivision plat if: (1) a plat has been filed for 75 years or more; (2) the most recent plat describes at least part of the property as acreage tracts; (3) a previous plat described at least part of the property as lots and blocks; and (4) the county tax assessor-collector lists the property on the tax rolls and assesses taxes based on the previous plat description.

Authorizes the Court to order the cancellation of the existing subdivision plat and reestablish the property in accordance with the property owner's application if: (1) the cancellation and reestablishment does not interfere with the established rights of any owner of part of the subdivision or utility company with a right to use a public easement in the subdivision; or (2) each owner or utility whose rights may be interfered with agree to the cancellation and reestablishment.

Provides notice requirements of the application for cancellation and reestablishment.

Mandates that, if the Court authorizes cancellation and reestablishment, then the Court by order, entered into its minutes, shall authorize the Applicant to record an instrument showing the cancellation and reestablishment.

HOUSE BILL 1237	
AUTHOR:	Rep. Farabee, David
SPONSOR:	Sen. Hegar, Jr., Glenn
CAPTION:	<i>Relating to the confidentiality of certain information of a person licensed to practice law held by the State Bar of Texas.</i>
CATEGORY:	Public Information/Open Records
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Jim Bateman

Makes attorney's personal information held by the State Bar confidential under the open records act.

“The Texas Supreme Court has recognized and reiterated that the express purpose of the Public Information Act is to give the public information about the affairs of government and the official acts of public officials and employees.

The State Bar of Texas is an administrative agency of the judicial branch in Texas. The Public Information Act specifically excludes the judiciary, including records maintained for the judiciary, from its provisions. The state bar holds the personal identifying information of licensed attorneys for the judiciary. The State Bar Act requires that certain information be easily accessible to the public. The State Bar regularly receives requests for all information about individual attorneys that encompass personal identifying information. The release of personal information potentially subjects attorneys, including current and former state and federal judges and prosecutors, and their family members, to harm relating to their personal safety or possible identity theft.

H.B. 1237 clarifies current law to provide that a licensed attorney may choose to restrict public access to the attorney's home address, home telephone number, email address, Social Security number, and date of birth.”¹

HOUSE BILL 1268	
AUTHOR:	Rep. Van Arsdale, Corbin
SPONSOR:	Sen. Ellis, Rodney
CAPTION:	<i>Relating to the award of attorney's fees under the terms of certain contracts with a governmental entity.</i>
CATEGORY:	Project Oversight/Utility Operations
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Chris Adams

A governmental contract may not provide for the award of attorney’s fees to the governmental entity in a dispute in which the entity prevails unless the contract provides for the award of attorney’s fees to each other party to the contract if that party prevails in the dispute. A contract provision that violates this section is void and unenforceable.

¹ Senate Research Center analysis for Senate State Affairs Committee public hearing, April 11, 2007

Currently, government entities are able to recover attorney's fees from lawsuits with contractors. However, contractors do not have the same ability to recoup those fees. As a result, governmental entities are more likely to use court action before other options.

H.B. 1268 prohibits a governmental contract from providing for the award of attorney's fees to the governmental entity in a dispute in which the entity prevails unless each other party to the contract is awarded such fees if the party prevails in a dispute.

HOUSE BILL 1297	
AUTHOR:	Rep. Delisi, Dianne
SPONSOR:	Sen. Nelson, Jane
CAPTION:	<i>Relating to the creation of the state employee wellness program.</i>
CATEGORY:	Human Resources/State Employee Issues
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	House Committee on Public Health¹

Requires the Department of State Health Services to designate a wellness coordinator to develop a model wellness program and to assist agencies with wellness initiatives. The current Texas state employee's wellness programs do not include the components necessary to reduce health care related costs and encourage healthy behavior. Most state agencies lack the staff, expertise, or funds to offer a broad and effective wellness program. H.B. 1297 provides that the elements of the program may include: education that targets certain costly or prevalent health care claims; the dissemination or use of available health risk assessment tools and programs, including certain surveys; the development of strategies for the promotion of health, nutritional, and fitness-related resources in state agencies; the development and promotion of environmental change strategies that integrate healthy behaviors and physical activity; and optional incentives to encourage participation in the wellness program. The bill requires the coordinator to coordinate with certain agencies, as necessary, in order to develop the program, prevent duplication of efforts, and provide information and resources to employees, and encourage the use of wellness benefits included in the program.

State agencies are authorized to implement a wellness program and are required to designate a wellness liaison. The coordinator may assist state agencies in establishing certain employee wellness demonstration projects, and may consult with state agencies operating health care programs on matters relating to wellness promotion. The substitute provides that a wellness program demonstration project may implement certain strategies to optimize the return of state investment in employee wellness. H.B. 1297 requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to adopt rules not later than January 1, 2008.

¹ House Committee on Public Health bill analysis for CSHB 1297, April 16, 2007.

HOUSE BILL 1391	
AUTHOR:	Rep. Turner, Sylvester
SPONSOR:	Sen. Whitmire, John
CAPTION:	<i>Relating to the provision of water and utility service.</i>
CATEGORY:	Project Oversight/Utility Operations
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Larry Zamzow

Adds Section 341.0357 to Subchapter C, Chapter 341, Health and Safety Code, pertaining to provisions allowing a retail utility provider to take over another retail utility provider that is in non-compliance. The provisions include allowing the retail provider taking over a system to charge sufficient rates to bring the non-compliant system into compliance and it allows the retail provider that is taking over the non-complying system sufficient time to correct the situation without fines being levied on them by the Texas Commission on Environmental Quality.

HOUSE BILL 1456	
AUTHOR:	Rep. Coleman, Garnet
SPONSOR:	Sen. Hinojosa, Juan
CAPTION:	<i>Relating to the requirements for filing an annual financial statement by a municipality.</i>
CATEGORY:	Project Oversight/Utility Operations
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Ernesto Briones

Extends the period for filing audited financial statements by municipalities from 120 days to 180 days after municipality's fiscal year ends. Internally, software changes are required to accommodate varying deadlines (municipalities, water districts, water authorities, counties, etc.). Different types of borrowers would have differing deadlines creating inconsistent treatment.

HOUSE BILL 1493	
AUTHOR:	Rep. Bonnen, Dennis
SPONSOR:	Sen. Janek, Kyle
CAPTION:	<i>Relating to the establishment and operation of a severe storm research and planning center.</i>
CATEGORY:	Information Resources/Technology Issues
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Tom Tagliabue, David Pimentel

Creates the Severe Storm Research and Planning Center (center) and outlines the administration, purpose, and overall objectives of the center. The center will work with the University of Houston, Rice University, Texas A&M University, and others to provide sophisticated modeling that will give much more accurate warnings when storms approach the Texas coasts.

Ultimately, the models will be able to determine what neighborhoods need to be evacuated, rather than entire counties, drastically reducing the number of people who will be on the roads.”¹

The Center could partner with the Texas Natural Resources Information System and benefit from data previously collected and available from the Strategic Mapping Program and other statewide and regional data sources.

HOUSE BILL 1495	
AUTHOR:	Rep. Callegari, Bill
SPONSOR:	Sen. Nichols, Robert
CAPTION:	<i>Relating to a bill of rights for property owners whose property may be acquired by governmental or private entities through the use of eminent domain authority.</i>
CATEGORY:	Project Oversight/Utility Operations
EFFECTIVE:	February 1, 2008
ANALYSIS BY:	Matt Nelson

Relating to a bill of rights for property owners whose property may be acquired by governmental or private entities through the use of eminent domain authority.

Section 1 - Labels the Act the “Landowner’s Bill of Rights Act.”

Section 2 - Adds Section 402.031 to the Government Code that directs the attorney general to prepare an easy to understand document to be made available to the public that identifies certain property owner’s rights including the right to: notice of the proposed acquisition; a good faith effort to negotiate by the entity proposing to acquire the property; an assessment of damages to the owner; a hearing under Chapter 21, Property Code; and, an appeal of a judgment in a condemnation hearing. This document will be made available to the public on the Attorney General's website.

Section 3 - Amends Chapter 21 of the Property Code by adding Section 21.0112 which requires that entities with eminent domain authority send or provide a Landowner’s Bill of Rights statement to the landowner before intending to start negotiating for the property. If it is a governmental entity, the statement will also be made available on the entity's website.

Section 4 - Amends Section 21.012 (b) of the Property Code requiring that a petition to acquire property through eminent domain explicitly indicate that, when applicable, the property owner was provided with a Landowner’s Bill of Rights statement.

Section 5 - Requires that the Attorney General prepare the Landowner’s Bill of Rights by January 31, 2008.

Section 6 - Clarifies that the bill only applies to condemnation proceedings filed after the effective date of the bill.

¹ Senate Research Center bill analysis for Senate Education Committee’s Subcommittee on Higher Education public hearing, May 16, 2007.

HOUSE BILL 1497	
AUTHOR:	Rep. Van Arsdale, Corbin
SPONSOR:	Sen. Williams, Thomas
CAPTION:	<i>Relating to the consequences of the failure by a person requesting information under the public information law to timely respond to certain written communications from a governmental body.</i>
CATEGORY:	Public Information/Open Records
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Chris Adams

Amends Section 552.222, Government Code, by adding Subsection (d), which states that if a governmental body makes a written inquiry to the requestor as provided by Subsection (b) or (c) under this section, and the requestor does not respond to the written inquiry within 30 days from the date the governmental body sent the written inquiry, then the request is considered to have been withdrawn by the requestor. Also, this legislation would add Subsection (e), which states that a written request for clarification or discussion under Subsection (b) or a written request for additional information under Subsection (c) must include a statement as to the consequences of the failure by the requestor to timely respond to the request for clarification, discussion or additional information. This legislation would not be retroactive.

HOUSE BILL 1498	
AUTHOR:	Rep. Hopson, Chuck
SPONSOR:	Sen. Eltife, Kevin
CAPTION:	<i>Relating to the creation of the Panola County Groundwater Conservation District; providing authority to impose a tax and issue bonds.</i>
CATEGORY:	Groundwater Conservation District/Groundwater Issues
EFFECTIVE:	June 21, 2007
ANALYSIS BY:	Rima Petrossian

Section 1 - Creates a groundwater conservation district whose boundaries are coextensive with the boundaries of Panola County. If the district is not confirmed at a confirmation election held on or before December 31, 2008, the district will be dissolved. This section allows for a nine member board and a tax limit of 1.5 cents per \$100 valuation of taxable property in the district. The district is prohibited from buying, selling, transporting, or distributing water and may not exercise the power of eminent domain. The district is allowed to compensate a director \$50 per day for each day the director spends performing the duties of the director, not to exceed \$3,000 per year. The district is required to participate as needed in coordination meetings with other groundwater conservation districts in its designated groundwater management area.

Section 2 - States that the bill has been submitted to all of the necessary state agencies and officials and that the Governor has submitted the bill to the Texas Commission on Environmental Quality.

HOUSE BILL 1656	
AUTHOR:	Rep. Puente, Robert
SPONSOR:	Sen. Averitt, Kip
CAPTION:	<i>Relating to regulation of irrigation systems and irrigators.</i>
CATEGORY:	Water Conservation
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Ruben Ochoa, John Sutton

Section 1 - Amends Section 1903.251 of the Occupations Code to require a person who inspects an irrigation system for a municipality or water district to be licensed by the Texas Commission on Environmental Quality. Declares persons with certain conflicts of interest to be ineligible for a license to inspect an irrigation system for a municipality or water district.

Section 2 - Amends Subchapter H, Chapter 49, Water Code, by adding Section 49.238 to:

- (a) allow a district (defined in 49.001, Water Code, as "any district or authority created by authority of either Sections 52(b)(1) and (2), Article III, or Section 59, Article XVI, Texas Constitution...not including any navigation district or port authority....or any conservation and reclamation district governed by Chapter 36...") to adopt and enforce rules that require certain licensing and permitting requirements for installers of an irrigation system.
- (b) require district rules to include minimum standards and specifications in accordance with Section 1903.053, Occupations Code, and any Texas Commission on Environmental Quality rules adopted under that section of code.
- (c) allow a district to employ or contract with certain licensed inspectors, district staff, or other governmental entity to enforce the rules.
- (d) allow a district to charge an installer fee for obtaining or renewing certain permits to cover the district's associated administrative costs.
- (e) make clear that this section does not apply to an on-site sewage disposal system, as defined in the Health and Safety Code; an irrigation system used on or by certain agricultural operations; and irrigation systems connected to a groundwater well used for domestic purposes.

Section 3 - Amends Chapter 401, Local Government Code, by adding Section 401.006 to:

- (a) provide that a municipality with a population of 20,000 or more, by ordinance, shall require an installer of an irrigation system to hold a license issued under Section 1903.251, Occupations Code and to obtain a permit before installing a system within the territorial limits or extraterritorial limits of the municipality.
- (b) require that the ordinance include minimum standards and specifications for designing, installing and operating irrigation systems in accordance with Section 1903.053, Occupations Code and any rules adopted by the Texas Commission on Environmental Quality under that section.
- (c) allow municipalities to employ or contract with a licensed plumbing inspector to enforce the ordinance.
- (d) allow a municipality to charge an installer fee for obtaining or renewing certain permits to cover the district's associated administrative costs.
- (e) clarify that the proposed changes to Chapter 401, Local Government Code, do not apply to an on-site sewage disposal system, as defined by Section 366.002, Health and Safety Code; an irrigation system used on or by certain agricultural operations; and irrigation systems connected to a groundwater well used for domestic purposes.

HOUSE BILL 1788	
AUTHOR:	Rep. Pitts, Jim
SPONSOR:	Sen. Hegar, Jr., Glenn
CAPTION:	<i>Relating to the planning, reporting, and review of the state's information resources.</i>
CATEGORY:	Information Resources/Technology Issues
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Darryl Lindgens

Section 1 applies only to the Health and Human Services Commission. Sections 2 through 16 amends Chapter 2054, Government Code, by expanding the Information Resources Strategic Plan to include a new report, Information Resources Deployment Review, which each agency will be required to complete every odd numbered year. Also requires agencies to use Department of Information Resources established hardware configurations. “Currently, state agencies have separate information technology planning and reporting requirements that could be integrated to provide a more complete understanding of the state's activities and direction in this area. In addition, separate agency strategic plans are required for information resources and all other operations and separate reports are required regarding the status of Texas Online, the use of the Internet in training, and access to information resources by individuals with disabilities. H.B. 1788 consolidates state agencies' information resources planning and analysis and performance reporting.”¹

HOUSE BILL 1789	
AUTHOR:	Rep. Pitts, Jim
SPONSOR:	Sen. Hegar, Jr., Glenn
CAPTION:	<i>Relating to the management and oversight of information resources projects.</i>
CATEGORY:	Information Resources/Technology Issues
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Darryl Lindgens

Amends Chapter 2054 and 2055 of the Government Code by requiring state agencies to utilize Project Management practices for all projects.

TWDB will be required to update and maintain project management practices and ensure these practices follow Department of Information Resources 's project management guidelines, which are already created and known as the Project Delivery Framework. Where the use of this framework was optional for small projects before this legislation, TWDB will now be required to maintain and utilize project management practices for all projects, not just major IR projects. This will result in agency staff having to spend more time planning, documenting, and ensuring all portions of Department of Information Resources' Project Delivery Framework is followed and adhered to. The end result could be that a one-day project could take up to over one-month just to complete all portions (gates) of this framework; however, this should result in a more structured, reduced risk, project implementation environment.

¹ Senate Research Center bill analysis for Senate Governmental Organization Committee public hearing, May 9, 2007.

HOUSE BILL 1886	
AUTHOR:	Rep. Callegari, Bill
SPONSOR:	Sen. West, Royce
CAPTION:	<i>Relating to the procurement methods of certain political subdivisions and certain other entities for the construction, rehabilitation, alteration, or repair of certain projects.</i>
CATEGORY:	Project Oversight/Utility Operations
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Mark Hall

The bill would add Subchapter J to Chapter 271, Local Government Code, to authorize a municipality, county, a special district, or authority to utilize design-build procedures for certain civil works projects. The bill would apply to different population-sized entities, starting with the largest prior to September 1, 2009 and eventually applying to all municipalities, counties, special districts, and authorities on or after September 1, 2013. Procedures and other requirements for using this method of procurement are included in the proposed statute. The local government entity would assume all risks and costs associated with scope changes and modifications; unknown or differing site conditions; regulatory permitting; and natural disasters and other force majeure events, and costs associated with property acquisition.

The bill would take effect September 1, 2007, and would apply only to a contract for which a request for proposals or a request for qualification is first published or distributed on or after that date.

HOUSE BILL 2018	
AUTHOR:	Rep. Brown, Betty
SPONSOR:	Sen. Deuell, Bob
CAPTION:	<i>Relating to eligibility for a municipal setting designation related to potential impacts to groundwater quality of solid waste activities.</i>
CATEGORY:	Groundwater Conservation District/Groundwater Issues
EFFECTIVE:	May 25, 2007
ANALYSIS BY:	Janie Hopkins

This bill, relating to eligibility for a municipal setting designation to address potential impacts to groundwater quality caused by solid waste activities, amends Chapter 361, Texas Health and Safety Code. It allows all municipalities to be eligible for a municipal setting designation rather than just those municipalities with populations of more than 20,000.

HOUSE BILL 2070	
AUTHOR:	Rep. Guillen, Ryan
SPONSOR:	Sen. Zaffirini, Judith
CAPTION:	<i>Relating to the confirmation election of the Duval County Groundwater Conservation District.</i>
CATEGORY:	Groundwater Conservation District/Groundwater Issues
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Dr. Robert Mace, Edward S. Angle

This bill extends the deadline for the Duval County Groundwater Conservation District's confirmation election and allows Duval County to pay confirmation election costs.

Section 1 - Amends Section 8808.003 (Confirmation Election Required), Special District Local Laws to (1) change the dissolution date of the district if the district is not confirmed from September 1, 2007, to September 1, 2009, and (2) changes the chapter expiration date from September 1, 2010, to September 1, 2012.

Section 2 - Amends Section 8808.023, Special District Local Laws Code, to allow Duval County to pay for confirmation election costs.

HOUSE BILL 2072	
AUTHOR:	Rep. Guillen, Ryan
SPONSOR:	Sen. Zaffirini, Judith
CAPTION:	<i>Relating to the appointment of temporary directors and the confirmation election of the Starr County Groundwater Conservation District.</i>
CATEGORY:	Groundwater Conservation District/Groundwater Issues
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Dr. Robert Mace

H.B. 2072 requires the temporary directors of the district to be appointed and charges those directors with holding an election to confirm the creation of the district. This bill authorizes Starr County to pay the expenses of the district's confirmation election. The latest due date for the management plan is August 31, 2012.

HOUSE BILL 2096	
AUTHOR:	Rep. Quintanilla, Chente
SPONSOR:	Senator Uresti, Carlos
CAPTION:	<i>Relating to utility connections on certain tracts of land in certain counties near an international border.</i>
CATEGORY:	Project Oversight/Utility Operations
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Marisol Saenz

Adds a new subsection (k) to Section 232.029, Local Government Code, which provides an exception so that a county commissioners court is now authorized to allow a utility to serve or connect subdivided property with electricity or gas even where the commissioners court has not issued a certificate that a plat of the property was approved or a determination that water, sewer, gas, and electrical facilities are available to serve the subdivision. This exception would be limited to instances where: (1) the service is being provided to a single-family residential dwelling on that property; (2) the person requesting the utility service has been the owner and occupant since at least January 1, 2001; (3) the utility previously served the requestor on or before January 1, 2001; (4) the utility service was disconnected not earlier than one year before the requestor applies for service; and (5) providing the service will not result in an increase in the volume of service provided to the property or more than one utility connection for each single-family residential dwelling on the property.

Adds a new subsection (l) to Section 232.029, Local Government Code, which would require that before a utility provides service under new subsection (k), that the person requesting service submit evidence that shows their compliance with subsection (k) requirements to the satisfaction of the county commissioners court.

Also adds a new subsection (m) to Section 232.029, Local Government Code, which, irrespective of new subsection (k), would prohibit a utility from serving or connecting land under new subsection (k) if any portion of that land is improved or if any existing improvements on that land are modified on or after September 1, 2007.

HOUSE BILL 2444	
AUTHOR:	Rep. Oliveira, Rene
SPONSOR:	Sen. Lucio, Jr., Eddie
CAPTION:	<i>Relating to the powers of the Southmost Regional Water Authority.</i>
CATEGORY:	Project Oversight/Utility Operations
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Kathleen B. Ligon

Amends Chapter 511, Acts of the 67th Legislature, to add a section authorizing the Southmost Regional Water Authority to collect, transport, process and dispose of domestic, industrial or communal wastes, and acquire land, and make improvements at any location within its boundaries. It also allows the Southmost Regional Water Authority to perform other activities necessary to manage these wastes. The water authority is given the authority to contract with a public or private entity in the performance of these powers.

HOUSE BILL 2542	
AUTHOR:	Rep. Kolkhorst, Lois
SPONSOR:	Sen. Estes, Craig
CAPTION:	<i>Relating to the continuation and functions of the Office of Rural Community Affairs.</i>
CATEGORY:	Human Resources/State Employee Issues
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Chris Adams

The bill would amend Government Code to continue the Office of Rural Community Affairs for an additional four years. The bill would modify the executive committee from a committee made up of nine members to a board with 11 members. The bill would narrow the Office of Rural Community Affairs' powers and duties to include assisting rural communities in the key areas of economic development, community development, rural health, and natural resources; serve as a clearinghouse for information and resources on all state and federal programs affecting rural communities; identify and prioritize policy issues and concerns affecting rural communities in the state; and make recommendations to the legislature to address the concerns affecting rural communities. The bill would require the Office of Rural Community Affairs to collocate its field staff in the Department of Agriculture's offices and work in conjunction with the Department of Agriculture to regularly cross-train office employees regarding the programs administered and services provided by each agency to rural communities. The bill would require the State Review Committee to review grant applications and approve grant and loan awards.

The bill would require the Office of Rural Community Affairs to work in consultation with the Department of Agriculture to evaluate and streamline the administration of the rural Community Development Block Grant program.

Created in 2001, the mission of the Office of Rural Community Affairs is to assist rural communities to enhance their quality of life and support their ongoing contributions to the prosperity of Texas. The office is the state's lead agency for administering the federally funded rural Community Development Block Grant program, and for administering health programs to assist rural communities. The office has a staff of 70 employees, with eight single-person field offices. The office is subject to the Sunset Act and will be abolished on September 1, 2007, unless continued by the legislature.

HOUSE BILL 2564	
AUTHOR:	Rep. Hancock, Kelly
SPONSOR:	Sen. Wentworth, Jeff
CAPTION:	<i>Relating to the authority of a governmental body to require the payment of a charge before complying with certain requests for the production of public information or for copies of public information.</i>
CATEGORY:	Public Information/Open Records
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Chris Adams

Would grant authority to a governmental body to require the payment of a charge before complying with certain requests for the production of public information or for copies of public information. Current law provides that a governmental body is authorized to charge a fee for the production or copying of public information upon a request. However, a person or persons may make more than one request per year for the production of public information. In addition, many types of requests require a substantial amount of employee or personnel time to comply with the request. Both of these factors raise the operation costs of a governmental body.

HOUSE BILL 2654	
AUTHOR:	Rep. Puente, Robert
SPONSOR:	Sen. Duncan, Robert
CAPTION:	<i>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.</i>
CATEGORY:	Desalination
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Edward S. Angle, Michelle McFaddin

This bill amends Chapter 27 of the Water Code to allow the Texas Commission on Environmental Quality to issue General Permits for the use of Class I injection wells to inject either nonhazardous brine from desalination operations or nonhazardous drinking water treatment residuals from treatment plants.

The bill would allow for the injection of these two wastestreams into Class I injection wells without also requiring the operator of the well to obtain an individual solid waste permit for the facility under the Texas Health & Safety Code.

The bill adds Section 27.023 to the Water Code which establishes the requirements that the Texas Commission on Environmental Quality must meet in issuing a general permit to authorize disposal of nonhazardous brine from desalinization plants as well as water treatment residuals.

The requirements applicable to the adoption of a general permit include the following: (1) the Texas Commission on Environmental Quality must post notice to solicit public comment on the general permit for 30 days prior to adopting the permit although no contested case hearing process is available should an individual protest the issuance of the general permit; (2) the Texas Commission on Environmental Quality must determine that the injection well activities are more appropriately regulated by a general permit than by an individual, site-specific permit; (3) the general permit must contain proper safeguards that will protect surface water and groundwater from pollution.

The bill allows the Texas Commission on Environmental Quality to deny the use of an injection well under general permit authorization if the owner's compliance history is poor and also limits the term of a general permit to a period of no more than 10 years.

The bill allows a person to utilize Class II saltwater disposal wells regulated by the Railroad Commission of Texas for the disposal of brine wastes from desalinization activities as well as water treatment residuals under general permit authorization from the Texas Commission on Environmental Quality provided that the saltwater wells are being used for enhanced recovery purposes. No permit would be required from the Railroad Commission to authorize this activity.

This bill does not allow municipal generators of brine wastes from desalinization activities and water treatment residuals to use Class II saltwater disposal wells to dispose of these waste streams. Only those Class II saltwater wells that are being used for enhanced recovery purposes are eligible for general permit authorization.

Would allow those TWDB loan recipients who are engaged in desalinization projects and/or who generate water treatment residuals to dispose of these two nonhazardous waste streams in Class I injection wells with only general permit authorization, which is similar to a permit-by-rule, provided no other Class I wastes are injected into the well. It would also allow these generators to dispose of their brine and water treatment residual wastes into Class II saltwater wells used for enhanced recovery purposes with only general permit authorization. Disposing of these two wastes in either manner will be less costly than disposing of these nonhazardous wastes in a commercial, Class I UIC facility. These generators are not given the opportunity to dispose of these nonhazardous wastestreams into Class II saltwater disposal wells, an activity that is regulated by the Railroad Commission of Texas under Chapter 27, Texas Water Code.

HOUSE BILL 2714	
AUTHOR:	Rep. Bonnen, Dennis
SPONSOR:	Sen. Watson, Kirk
CAPTION:	<i>Relating to a program for the recycling of computer equipment of consumers in this state; providing administrative penalties.</i>
CATEGORY:	Information Resources/Technology Issues
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Tom Tagliabue

Requires that state agencies only purchase or lease computer hardware from manufacturers with equipment recycling programs. Allows agencies to give special preference to manufacturer with a recycling or reuse program. The bill requires computer manufacturers before they can sell equipment in Texas to adopt and implement a recovery plan that would allow a consumer to recycle the equipment and to affix a permanent, readily visible label with the manufacturer's brand. The recovery plan requires manufacturers to provide information to consumers on collection, recycling, and reuse. A retailer of computer equipment may not sell computer equipment unless the equipment has the required label confirming a recovery plan is in place. A retailer is not required to collect computer equipment for recycling or reuse. The Texas Commission on Environmental Quality is charged with educating consumers regarding the collection, recycling and reuse of computer equipment. TWDB purchases all computer equipment through an existing contract with the Department of Information Resources. The Department of Information Resources is working toward ensuring all their computer purchase contracts comply with H.B. 2714.

HOUSE BILL 2839	
AUTHOR:	Rep. King, Susan
SPONSOR:	Sen. Fraser, Troy
CAPTION:	<i>Relating to the deadline for filing a personal financial statement by persons appointed to certain state offices.</i>
CATEGORY:	Ethics/Legal Issues
EFFECTIVE:	May 25, 2007
ANALYSIS BY:	Jim Bateman

Requires a state officer to file a financial statement by April 30th of every year. H.B. 2839 increases the deadline by which a newly appointed officer of a major state agency or elective office must file a financial statement, from 14 days to 30 days after appointment.

“In 2003, the 78th Legislature changed the number of days a person appointed to certain state offices is given to submit a personal finance statement from 30 days after the appointment to 14 days after the appointment. This 14-day filing requirement applies to anyone appointed to serve as a salaried appointed officer, an appointed officer of a major state agency, or a person appointed to fill a vacancy in an elective office. The shorter 14-day time frame to collect and report financial information has caused a hardship to newly appointed persons.”¹

¹ Senate Research Center bill analysis for Senate State Affairs Committee public hearing, April 23, 2007.

HOUSE BILL 2918	
AUTHOR:	Rep. Isett, Carl
SPONSOR:	Sen. Deuell, Bob
CAPTION:	<i>Relating to state information technology contracting and procurement practices.</i>
CATEGORY:	Information Resources/Technology Issues
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Darryl Lindgens

Amends Chapter 2054, Government Code, by requiring "major contracts" to be handled the same as "major information resource projects" which requires project plans and monitoring. Also amends Chapter 2155 and 2157, Government Code, by imposing more stringent purchasing guidelines.

HOUSE BILL 3098	
AUTHOR:	Rep. Puente, Robert
SPONSOR:	Sen. Averitt, Kip
CAPTION:	<i>Relating to the fees imposed by the Texas Commission on Environmental Quality in connection with plans that are subject to review and approval under the commission's rules for the protection of the Edwards Aquifer.</i>
CATEGORY:	Groundwater Conservation District/Groundwater Issues
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Edward S. Angle

Section 1 - Amends Section 26.0461, Water Code, Subsections (b), (d), (e), and (h) and adding Subsection (d-1). Subsection (b) discusses plans for which fees are imposed by Texas Commission on Environmental Quality and is amended by adding Edwards Aquifer contributing zone plans to the list. Subsection (d) discusses fee limits and is amended by adding an exception for subsection (d-1) and by increasing the upper limit of the fee from \$5,000 to \$6,500. Subsection (d-1) is added and it states that fees imposed may not be greater than \$13,000 if the fee is for a water pollution abatement or contributing zone plan for a development of more than 40 acres. Subsection (e) discusses the bases of the fee and is amended by adding "the type of activity subject to regulation" to the list of criteria. Subsection (h) discusses the disposition of the fees and adds "administering" the Edwards Aquifer "program including monitoring surface water, stormwater and groundwater in the Edwards Aquifer program area and developing geographic information system layers for the same program."

Section 2 - This section states that the act applies only to fees imposed after the effective date of this bill. All fees imposed before the effective date of this bill are governed by the law previous to this bill.

HOUSE BILL 3107	
AUTHOR:	Rep. Isett, Carl
SPONSOR:	Sen. Ogden, Steve
CAPTION:	<i>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.</i>
CATEGORY:	Appropriations/Finance
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Melanie Callahan, Renita Bankhead

Section 2 - Abolishes any funds and accounts created or re-created by the 80th Legislature effective August 27, 2007 or the effect date of the Act.

Section 3 - Exempts previously dedicated funds and accounts.

Sections 4, 5 and 6 - Provides exemptions from Section 2 for specified funds or accounts or revenue dedications.

Section 7 - Specifies that Section 2 does not apply to federal funds.

Section 8 - Specifies that Section 2 does not apply to trust funds.

Section 9 - Specifies that Section 2 does not apply to bond funds.

Section 10 - Specifies that Section 2 does not apply to constitutional funds.

Section 11 - Provides exemption from Section 2 for specified funds and revenues created by the 80th Legislature.

Section 12 - Provides exemption from Section 2, contingent upon the passage of S.B.1562 relating to a fee collected by State Health Services animal control officer training.

Section 13 - Provides exemption from Section 2 for fees established with provisions of S.B.1182.

Section 14 - Provides exemption from Section 2 for accounts created by H.B. 2960 relating to Texas Windstorm Insurance.

Section 15 - Amends Section 403.095, Government Code by updating references.

Section 16 - Transfers Section 403.108 of the Government Code to Subchapter A, Chapter 434, Government Code and updates references.

Section 17 - Specifies that this Act prevails over any other Act of the 80th Legislature.

Note: S.B. 1436, creating a Floodplain Management Account, states that the account would be outside of General Revenue. Since this fee is not specifically cited in this bill it would become a General Revenue Dedicated Account. General Revenue dedicated accounts are subject to appropriation reductions related to General Revenue funds.

HOUSE BILL 3410	
AUTHOR:	Rep. Gattis, Dan
SPONSOR:	Sen. Ogden, Steve
CAPTION:	<i>Relating to alternative procedures for plat revision of residential areas by a county.</i>
CATEGORY:	Project Oversight/Utility Operations
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Joe Reynolds

Permits a county to adopt the municipal provisions related to replatting and plat amendment in Chapter 212, Local Government Code. An amended plat may be approved by the county that makes necessary changes to the plat to create six or fewer lots in the subdivision if: (1) the changes do not affect applicable zoning and other county regulations; and (2) the changes do not attempt to amend or remove any covenants or restrictions. Permits a county to adopt the municipal provisions related to replatting and plat amendment in Chapter 212, Local Government Code. An amended plat may be approved by the county that makes necessary changes to the plat to create six or fewer lots in the subdivision if: (1) the changes do not affect applicable zoning and other county regulations; and (2) the changes do not attempt to amend or remove any covenants or restrictions.

HOUSE BILL 3430	
AUTHOR:	Rep. Strama, Mark
SPONSOR:	Sen. Hegar, Jr., Glenn
CAPTION:	<i>Relating to the availability of information about state expenditures and rules, including the creation of a state database containing information on state expenditures, and to certain comptroller reports, and to certain amounts received by institutions of higher education.</i>
CATEGORY:	Information Resources/Technology Issues
EFFECTIVE:	October 1, 2007
ANALYSIS BY:	Darryl Lindgens and David Thorkildsen

Amends Chapters 403, 2006, 2054, 2177, and 322, Government Code, as well as Chapter 313, Tax Code, and Chapter 51, Education Code, by requiring the Comptroller of Public Accounts to create and maintain a database of all expenditures of every state agency and to make this data available to the general public, with minimal restrictions. Requires an economic impact statement to be performed for any changes in rules that could affect small businesses. Further requires each state agency to provide a link to this data on their website and provide copies of specific documents to the Legislative Budget Board.

HOUSE BILL 3475	
AUTHOR:	Rep. Gallego, Pete
SPONSOR:	Sen. Uresti, Carlos
CAPTION:	<i>Relating to the authority of certain counties to acquire, construct, or operate a water supply system or sewage system and own or operate a utility.</i>
CATEGORY:	Project Oversight/Utility Operations
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Francia Harutunian

Adds Section 412.017 to Chapter 412 of the Local Government Code. It applies to counties adjacent to an international border and in which a military installation is located. It allows for commissioners court of these counties to construct and operate water supply or sewage systems to serve unincorporated areas of the county and areas included in a municipality on or after September 1, 2007 for which the municipality does not provide water or sewer service. It also allows the county to enter into management or lease agreements with another public or private entity for the operation of such systems and to apply for and receive grants or other assistance from state or federal governmental entity to implement these projects. The county may not construct, operate or maintain water supply or sewage systems in an area previously served by the county after that area is annexed by a municipality and the municipality starts providing these services.

HOUSE BILL 3560	
AUTHOR:	Rep. Swinford, David
SPONSOR:	Sen. Janek, Kyle
CAPTION:	<i>Relating to transferring to the comptroller the duties of the Texas Building and Procurement Commission that do not primarily concern state facilities and renaming the commission the Texas Facilities Commission.</i>
CATEGORY:	
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Ingrid Hansen

This law transfers all state procurement to the Comptroller and creates the Texas Facilities Commission to handle all state buildings and facilities in Travis Co. and some other locations. The law amends the Historically Underutilized Business statute and requires agencies to adopt Historically Underutilized Business goals and makes compliance with those goals a key performance measure. The law also adds new categories of preferred vendors.

HOUSE BILL 3769	
AUTHOR:	Rep. Puente, Robert
SPONSOR:	Sen. Averitt, Kip
CAPTION:	<i>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.</i>
CATEGORY:	Project Oversight/Utility Operations
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Jim Bateman

The bill amends Section 6.001, Government Code, to define "business entity or other organization" as not including a political subdivision. The effect is that employees of political subdivisions will be eligible to be Board members.

Under Section 6.053, Government Code, a Board member is not eligible to serve if they:

1. are employed by or participates in the management of a business entity or other organization regulated by the Board or receiving funds from the Board; or
2. own or control more than a 10 % interest in a business entity or other organization regulated by the Board or receiving funds from the Board.

HOUSE BILL 3776	
AUTHOR:	Rep. Puente, Robert
SPONSOR:	Sen. Wentworth, Jeff
CAPTION:	<i>Relating to the authority of the Texas Water Development Board to approve the regional water plan for Region L and include the plan in the state water plan.</i>
CATEGORY:	Regional Water Planning
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Matt Nelson

Relating to the authority of the Texas Water Development Board to approve the regional water plan for Region L and include the plan in the state water plan.

Section 1 - Allows the Board to approve the Region L plan and include it in the state water plan only if the Board strikes existing versions of the Lower Guadalupe Water Supply Project from the Region L plan and includes a new "Lower Guadalupe Water Supply Project for Upstream Guadalupe Blanco River Authority Needs" version of the project that must be developed by the Region L planning group in association with the Guadalupe-Blanco River Authority.

The new project must meet certain requirements including; limiting the project to an existing surface water right; limiting use of the water to upstream portions of Guadalupe Blanco River Authority's service area; meeting new environmental flow criteria; preserving a predetermined volume of water for lower basin needs; and, requiring consent of property owners for construction of any associated off-channel storage. Requires the Board to amend the state water plan as necessary to conform to the requirements of the Act.

HOUSE BILL 3837	
AUTHOR:	Rep. Gonzalez Toureilles, Yvonne
SPONSOR:	Sen. Hegar, Jr., Glenn
CAPTION:	<i>Relating to regulation by the Railroad Commission of Texas of uranium exploration.</i>
CATEGORY:	Groundwater Conservation District/Groundwater Issues
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Janie Hopkins

Adds language to the Natural Resources Code to include uranium exploration activities, including permits for exploration, and clarifies the Railroad Commission's jurisdiction and the required contents of exploration permits. It also specifies that the Railroad Commission notify local governmental entities regarding issued exploration permits and share geologic, hydrologic, and water quality information with groundwater conservation districts.

Section 1 - Amends Sections 131.001, 131.002, and 131.003 of the Natural Resources Code, mainly by adding "exploration" to the sections dealing with policy and purpose of the chapter: the assurance that surface mining and exploration operations be conducted in an environmentally-sensitive manner and that reclamation of all explored and surface-mined land occur as quickly as practicable.

Section 2 - Amends Section 131.004(10), Natural Resources Code, to redefine "surface mining permit" or "permit."

Section 3 - Amends Sections 131.021, 131.022, 131.034, 131.048, and 131.301 of the Natural Resources Code. It gives the Railroad Commission the authority to require exploration or surface mining permit holders to prepare reports and exclusive jurisdiction over and regulation of all uranium exploration activities (except as provided by Section 131.354) and all uranium mining operations (except for in situ recovery practices). It requires the Railroad Commission to make rules governing uranium exploration activity. It provides greater confidentiality to permit applicants of their sensitive geologic and financial/commercial information concerning their exploration/mining activities. It requires the Railroad Commission to adopt rules governing uranium exploration activity in a specific manner, as well as to adopt rules and issue orders and permits relating to discharge or runoff of waste from permitted uranium exploration activity.

Section 4 - Amends Section 131.261(a), Natural Resources Code, to make a conforming change.

Section 5 - Amends Sections 131.262(a) and (b), Natural Resources Code by authorizing the Railroad Commission to extend the period of time for abatement of any violations if the Railroad Commission determines good cause.

Section 6 - Adds Subchapter I to Chapter 131, Natural Resources Code. It stipulates that this (new) subchapter controls exploration activities, even if it conflicts with other law. It mandates and determines the scope of exploration permits. It gives the Railroad Commission jurisdiction over uranium exploration holes and cased exploration wells until they are properly plugged and abandoned or become registered/permitted with the Texas Commission on Environmental Quality and subjects these wells to groundwater conservation district registration, production, and reporting rules under certain circumstances.

It authorizes the Railroad Commission to impose application fees to recover administration costs of implementing mandates in this subchapter. It mandates that the Railroad Commission notify certain local/public entities about the exploration permit and stipulates the type of information, including geologic, hydrologic, and water quality information, that must be shared with groundwater conservation districts.

HOUSE BILL 3838	
AUTHOR:	Rep. Gonzalez Toureilles, Yvonne
SPONSOR:	Sen. Hegar, Jr., Glenn
CAPTION:	<i>Relating to regulation of injection wells used for in situ uranium recovery by the Texas Commission on Environmental Quality.</i>
CATEGORY:	Groundwater Conservation District/Groundwater Issues
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Janie Hopkins

Section 1 - Amends Section 27.002, Water Code, by amending Subdivisions (1) and (2) and adding Subdivisions (16), (17), and (18), to redefine "commission," "executive director," and to define "production well," "monitoring well," and "area permit."

Section 2 - Amends Subchapter B, Chapter 27, Water Code, by adding two Sections. In Section 023, the Texas Commission on Environmental Quality is given exclusive jurisdiction over wells used in the development and operation of in situ uranium mining; the Texas Commission on Environmental Quality is also required to obtain pre-mining geologic, hydrologic, and water quality information from development wells. In Section 27.024, permit holders in a groundwater conservation district must provide the district certain information regarding the wells, water quality, and strata within a certain time period.

Section 3 - Amends Section 27.053, Water Code, authorizing Texas Commission on Environmental Quality or the Railroad Commission to require a person receiving a permit or authorization to keep and furnish a complete and accurate driller's log of the different formations/strata penetrated in drilling an injection well, monitoring well, or production well. Makes conforming changes.

Section 4 - Amends Section 27.054, Water Code, authorizing Texas Commission on Environmental Quality or the Railroad Commission to require the applicant to furnish an electric or drilling log of the existing well intended for conversion to an injection well, monitoring well, or production well.

Section 5 - Amends Section 27.071, Water Code, authorizing Texas Commission on Environmental Quality and the Railroad Commission to enter public or private property to inspect and investigate conditions relating to injection/monitoring/disposal/production well activities within their respective jurisdictions or to monitor compliance with a Texas Commission on Environmental Quality or Railroad Commission rule, permit, or other order.

Section 6 - Amends Section 27.072, Water Code, by authorizing Texas Commission on Environmental Quality and the Railroad Commission to examine and copy that information of a business they are investigating as provided by Section 27.071 (Power to Enter Property), Water Code, that relate to the operation of any injection/monitoring/disposal/production well , or any other records required to be maintained by law. Makes conforming changes.

Section 7 - Amends Section 27.073, Water Code, by adding Subsection (a-1) that requires a permit holder for an injection/monitoring/disposal/production well to maintain a performance bond or other form of financial security to ensure that an abandoned well is properly plugged.

HOUSE BILL 3995	
AUTHOR:	Rep. Chisum, Warren
SPONSOR:	Sen. Duncan, Robert
CAPTION:	<i>Relating to the name, administration, powers, and duties of the Collingsworth County Underground Water Conservation District.</i>
CATEGORY:	Groundwater Conservation District/Groundwater Issues
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Robert Mace

This bill authorizes the district to change its name and sets the number of single-member districts allowed in the district. Makes certain other changes regarding the duties/functions of the district.

HOUSE BILL 4009	
AUTHOR:	Rep. Hilderbran, Harvey
SPONSOR:	Sen. Uresti, Carlos
CAPTION:	<i>Relating to the name, directors, and elections of the Emerald Underground Water Conservation District.</i>
CATEGORY:	Groundwater Conservation District/Groundwater Issues
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Rima Petrossian

Changes the name of the district from Emerald Underground Water Conservation District to Crockett County Groundwater Conservation District. Updates the reference in the district's enabling legislation to the new district name. Notes that Section 49.052, Water Code, Disqualifications of Directors, applies to the directors of the district. This section of the bill also specifies the date of expiration for the director's terms and changes the directors' qualifications from Section 51, Water Code, to Section 36, Water Code.

Amends the district enabling legislation to redefine director elections and locates the election anywhere in Crockett County. Repeals Sections 7(b) and (c) and 10, Chapter 712 (71R), which specified the terms and qualifications and elections of the directors which are now replaced by Section 3 of the bill. Provides for expiration dates for directors' terms specifically tied to their election date.

Provides that proper and legal notice of the intention to introduce the Act is furnished as required.

HOUSE BILL 4028	
AUTHOR:	Rep. Geren, Charlie
SPONSOR:	Sen. Brimer, Kenneth
CAPTION:	<i>Relating to the creation of the Northern Trinity Groundwater Conservation District.</i>
CATEGORY:	Groundwater Conservation District/Groundwater Issues
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Rima Petrossian

H.B. 4028 creates the Northern Trinity Groundwater Conservation District, located in Tarrant County, which has no tax or bond authority and no requirement for a confirmation election.

Section 1 - Provides for the formation of the Northern Trinity Groundwater Conservation District, sets the district boundaries as coextensive with Tarrant County, notes that no confirmation election is necessary, notes that the district is governed by a board of five directors serving staggered four-year terms appointed by the county commissioners and the county judge, notes that the district does not have the power of eminent domain, and notes that the district may not tax or issue bonds.

Also includes addressing other conservation and reclamation districts in common with the district territory, providing for not regulating their wells but may assess well fees and coordinate with the other entity when making rules and exchanging information.

Section 2 - Provides that proper and legal notice of the intention to introduce the Act was furnished as required.

HOUSE BILL 4029	
AUTHOR:	Rep. Morrison, Geanie
SPONSOR:	Sen. Hegar, Jr., Glenn
CAPTION:	<i>Relating to the creation of the Lavaca County Groundwater Conservation District; providing authority to impose a tax.</i>
CATEGORY:	Groundwater Conservation District/Groundwater Issues
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Rima Petrossian

Creates the Lavaca County Groundwater Conservation District and has the directive of controlling subsidence in addition to Chapter 36, Water Code, responsibilities, with no eminent domain.

Provides for the formation of the Lavaca County Groundwater Conservation District, requiring district confirmation on or before September 1, 2013, setting the boundaries coextensive with Lavaca County, establishing the district's purpose (provide for the conservation, preservation, protection, recharging, and prevention of waste of groundwater and control subsidence), limiting ad valorem taxes at a rate that does not exceeds five cents on each \$100 of assessed valuation of taxable property, not having eminent domain.

HOUSE BILL 4032	
AUTHOR:	Rep. Cook, Robert
SPONSOR:	Sen. Hegar, Jr., Glenn
CAPTION:	<i>Relating to the creation of the Colorado County Groundwater Conservation District; providing authority to impose a tax and issue bonds.</i>
CATEGORY:	Groundwater Conservation District/Groundwater Issues
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Rima Petrossian

Creates the Colorado County Groundwater Conservation District with ad valorem taxing authority not more than three cents per \$100 (requires district confirmation by September 2011). In addition, the right to enter land is given, but the district may not require meters on exempt wells and grandfathered wells for spacing. District is restricted from making improvements, having facilities, purveying water, and eminent domain.

Provides for the formation of the Colorado County Groundwater Conservation District; requires an affirmative vote from a confirmation election by September 1, 2011, or the district is dissolved on September 1, 2011; sets the district boundaries as coextensive Colorado County except any territory included in the boundaries of the Coastal Bend Groundwater Conservation District.

This section also provides for a confirmation election, terms of office, and electing seven initial directors following Chapter 36 rules. This includes voting on the levy of an ad valorem tax.

The district is restricted from making improvements, having facilities, purveying water, and eminent domain and may not require meters on exempt wells.

Provides for an ad valorem tax at a rate not to exceed three cents on each \$100 of assessed valuation of taxable property in the district; and is able to assess fees for services provided, water withdrawn from each well that is not exempt from district permitting or regulation; or groundwater exported from the district.

Section 2 - Repeals the original enabling legislation in Chapter 303, Acts of the 77th Legislature, Regular Session, 2001.

Section 3 - Provides that proper and legal notice of the intention to introduce the Act is furnished as required.

HOUSE BILL 4114	
AUTHOR:	Rep. Mike O'Day
SPONSOR:	Sen. Jackson, Mike
CAPTION:	<i>Relating to the powers and financing of the Brazoria County Groundwater Conservation District.</i>
CATEGORY:	Groundwater Conservation District/Groundwater Issues
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Rima Petrossian

Brazoria County Groundwater Conservation District would not have any district taxation authority on domestic and agricultural wells but provides the District with the authority to impose fees for the production and export of groundwater transferred out of the District.

Section 1 - Provides definitions.

Section 2 - Changes limited taxing authority to none; re-words rules over domestic and agricultural wells.

Section 3 - Allows Districts to impose fees including production fees or export fees for groundwater transferred out of the district.

HOUSE CONCURRENT RESOLUTION 67	
AUTHOR:	Rep. Leibowitz, David
SPONSOR:	Sen. Seliger, Kel
CAPTION:	<i>Urging Congress to provide further drought relief for Texas.</i>
CATEGORY:	Regional Water Planning
EFFECTIVE:	June 16, 2007
ANALYSIS BY:	Kathleen Garrett

Requests the Congress of the United States to provide further drought relief to Texas. H.C.R. 67 refers to the substantial economic losses due to the prolonged drought that has crippled the state for nearly two years. It states that the drought has cost Texas nearly \$2.5 billion in total crop loss. An estimated \$1.6 billion in livestock losses as well as the rising cost of hay and supplemental feed that has resulted in farmers selling their cattle earlier than anticipated, which will lead to a decrease in the beef supply for several years. The Resolution states that the total agricultural loss to the state stands at more than \$4 billion. The business that support the agricultural community are also being impacted at an estimated loss of nearly \$8 billion.

H.C.R. 67 will be forwarded by the Texas Secretary of State to the President of the United States, the Speaker of the House of Representatives, and the President of the Senate of the United States Congress, and to all members of the Texas Delegation to the Congress with request that this Resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

Senate Bill 3	
AUTHOR:	Sen. Averitt, Kip
SPONSOR:	Rep. Puente, Robert
CAPTION:	<i>Relating to the development, management, and preservation of the water resources of the state; providing penalties.</i>
CATEGORY:	Omnibus Water Bill
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Matt Nelson

ARTICLE 1

Strengthens the state's programs to ensure effective administration and enforcement of surface water rights.

Sections 1.03, 1.06, 1.07 and 1.22 - Impact or apply to programs administered by TWDB. Section 1.18 waives the Texas Commission on Environmental Quality fee for water rights deposited in the Texas Water Trust. The bill recommends exploring options to fill the gap for basins with insufficient unappropriated water to meet environmental flow requirements and discusses the need to improve bay and estuary and refine instream flow studies. It recognizes the ongoing nature of reviewing environmental flow needs and to use adaptive management.

Section 1.03 - Waives the water rights application fee for water rights deposited into the Texas Water Trust. Section 1.07 requires a TWDB member to serve on the Environmental Flows Advisory Group and requires the TWDB to report the status of certain environmental flow activities and programs to the Environmental Flows Advisory Group and to provide technical assistance to each Bay and Basin Expert Science Team created under this section.

Section 1.22 - Allows TWDB to use money in the Research and Planning Fund of the Water Assistance Fund: (1) to compensate members both of the Environmental Flows Science Advisory Committee and of the Bay and Basin Expert Science Teams for attendance and participation at meetings of the committee and for travel related expenses and (2) to pay administrative expenses both of the stakeholder committees and of the expert science teams. This analysis assumes that existing studies and information will be used by the Texas Environmental Flows Science Advisory Committee and the Bay and Basin Expert Science Teams. Funds are not included to do additional studies through grant funds. If additional studies are contemplated, the associated fiscal note would increase.

ARTICLE 2

Sections 2.01 and 2.02 - Amends Chapter 1, Water Code, Section 1.003 and adds Section 1.004 to include a finding on benefits of land stewardship and defines land stewardship.

Section 2.03 - Amends Subtitle A, Title 2, Water Code, by adding Chapter 10 creating a Water Conservation Advisory Council and defines "best management practices" as per 11.002. The Council is created to provide the Governor, Lieutenant Governor, Speaker of the House of Representatives, Legislature, Texas Water Development Board, Texas Commission on Environmental Quality, political subdivisions, and the public with the resource of a select council with expertise in water conservation. The Council will consist of 23 members. The TWDB is required to appoint one member to represent each of the following entities or interest groups to serve on the 23-member Council which includes a member from TWDB. This section of the bill contains provisions for Advisory Council member terms, the selection of a presiding officer, utilization of TWDB staff, public meeting and public information requirements, member compensation, powers and duties, and reporting requirements. The Council is specifically required to: (1) monitor trends in water conservation implementation; (2) monitor new technologies for possible inclusion by the TWDB Board as best management practices in the best management practices guide developed by the Water Conservation Implementation Task Force under Chapter 109, Acts of the 78th Legislature, Regular Session, 2003;(3) monitor the effectiveness of the statewide water conservation public awareness program developed under Section 16.401 and associated local involvement in implementation of the program; (4) develop and implement a state water management resource library;(5) develop and implement a public recognition program for water conservation;(6) monitor the implementation of water conservation strategies by water users included in regional water plans; and (7) monitor target and goal guidelines for water conservation to be considered by the TWDB and Texas Commission on Environmental Quality. Not later than December 1 of each even-numbered year, the Council shall submit to the Governor, Lieutenant Governor, and Speaker of the House of Representatives a report on progress made in water conservation in this state. On request by the Council, the TWDB shall provide any necessary staff to assist the Council in the performance of its duties.

The Council is required to conduct a study regarding the desirability of requiring the TWDB to designate certified water conservation training facilities, entities, and programs that provide assistance to retail public utilities in developing water conservation plans and to give preference to certified water conservation facilities in making loans or grants. The Council is required to submit a report containing the findings of the study to the Governor, Lieutenant Governor, and Speaker of the House by December 1, 2008.

Section 2.04 - Amends Section 11.002 of Water Code by adding Subdivision (15) defining "best management practices."

Section 2.05 - Amends subdivisions (1-a), (5), and (8), Section 13.002, Water Code to clarify that owners of land be based on the appraisal roll of county appraisal districts.

Section 2.06 - Amends Subchapter E, Chapter 13, Water Code by adding Sections 13.146 and 13.147. Section 13.146 requiring the Texas Commission on Environmental Quality to require retail public utilities with a 3,300 or more connections to submit a water conservation plan to the Executive Administrator of TWDB. Section 13.147 allows a retail water provider to contract with a retail sewage provider to provide billing under a consolidated billing process and describes requirements and allowable actions.

Section 2.07 - Amends Subchapter F, Chapter 13, Water Code, by adding Section 13.188 to allow for pass through of energy cost increases to rates and to require pass through of energy cost decreases to rates at least annually.

Section 2.08 - Amends Section 13.2451, Water Code regarding municipalities extending their certificates of public convenience beyond their extraterritorial jurisdictions.

Section 2.09 - Amends Subsection (a-1), Section 13.246, Water Code to reduce the size of land requiring notice from 50 to 25 acres when applying for certificates of public convenience.

Section 2.10 - Amends Section 15.102 (b) (2) (C), Water Code to include water conservation as being eligible for grants under this funding. Proposed change would allow funds to be used for grants for water conservation activities if funding was available and the TWDB implements a program to provide these grants.

Section 2.11 - Adds Section 15.9751, Water Code to require the TWDB to give priority to funding applications for entities that have demonstrated significant water conservation savings or for a project that will achieve significant water conservation savings.

Section 2.12 - Amends Section 16.017, Water Code by authorizing the executive administrator of the TWDB to operate the Texas Natural Resources Information System - a strategic mapping program to acquire, store, and distribute digital, geospatial information.

Section 2.13 - Amends Subchapter B, Chapter 16, Water Code, by adding Sections 16.023 and 16.024 creating an account and defining how TWDB may use the funds including providing financial assistance. New Section 16.023, Water Code, creates the Strategic Mapping Account within the general revenue fund and consisting of: money directly appropriated to the TWDB; money transferred by the TWDB from other funds available; gifts or grants from the federal government, state, regional, or local governments, educational institutions, private sources, or other sources; sales proceeds of maps, data, publications, and other items; and interest earned on the investment of money in the account and depository interest allocable to the account.

Defines that the account may only be used by the TWDB to: develop, administer, and implement the strategic mapping program; provide grants to political subdivisions for projects related to the development, use, and dissemination of digital, geospatial information; administer, implement, and operate other programs of the Texas Natural Resources Information System, including: operating the Texas-Mexico border information center; the acquisition, storage, and distribution of historical maps, photographs, and paper map products; maintaining and enhancing information technology; and the production, storage, and distribution of other digital base maps, as determined by the executive administrator or a Texas Geographic Information Council member. Allows the board to invest, reinvest, and direct the investment of any available money in the fund as provided by law for the investment of money under Section 404.024, Government Code. New Section 16.024, Water Code, defines how TWDB may provide financial assistance in the form of grants for digital, geospatial information projects. Language requires that applications be submitted by political subdivisions to TWDB; sets forth the basic criteria on which applicants are to be evaluated; and, sets out minimum requirements to approve funding applications.

Section 2.14 - Expedites the regional water plan amendment process in some instances by amending Section 16.053(h), Water Code, by adding new subdivisions (10) and (11). Subdivision (10) provides that the planning groups may amend their plans after the plans have been approved by TWDB. Amendments not covered by the process described in subdivision (11), must follow the process spelled out in subdivisions (1) through (9) (the regular amendment and adoption process). Allows a planning group to use the expedited amendment process if the TWDB Executive Administrator determines that the amendment will not result in the over allocation of any existing or planned water source, if it does not relate to a new reservoir, and if it will not have significant effect on instream flows or freshwater inflows to bays and estuaries. If determined eligible by the TWDB Executive Administrator, the planning group may adopt an amendment at a public meeting, held in accordance with Chapter 551, Government Code, once it is placed on the agenda and notice of the meeting is given two weeks before the meeting date. The public is provided an opportunity to comment on the amendment at the public meeting.

Section 2.16 - Adds Section 16.1311, Water Code to require the TWDB to give priority to funding applications for entities that have demonstrated significant water conservation savings or for a project that will achieve significant water conservation savings.

Section 2.18 - Amends Chapter 16, Water Code by adding Subchapter K Water Conservation. Section 16.401, Water Code, creates the Statewide Water Conservation Public Awareness Program which is to be developed and implemented by the TWDB only if the Legislature appropriates sufficient funding. Section 16.402, Water Code, creates the Water Conservation Plan Review process relating to the required water conservation plans as specified in Section 2.04 of this bill. Each entity that is required to submit a water conservation plan to the Texas Commission on Environmental Quality under this code shall submit a copy of the plan to the TWDB Executive Administrator. Each entity that is required to submit a water conservation plan to the TWDB Executive Administrator or Texas Commission on Environmental Quality under this code shall report annually to the Executive Administrator on the entity's progress in implementing the plan. The Executive Administrator shall review each water conservation plan and annual report to determine compliance with the minimum requirements and submission deadlines.

Section 2.19 - Adds Section 17.125, Water Code, to require the TWDB to give priority to funding applications for entities that have demonstrated significant water conservation savings or for a project that will achieve significant water conservation savings.

Section 2.20 - Adds Section 35.020, Water Code, to include policy of the state to encourage public participation in the groundwater management process in areas within a groundwater management area that are not represented by a groundwater conservation district.

Section 2.21 - Amends subsection (d), Section 36.113, Water Code to also require Groundwater Conservation Districts to consider whether a well located in the Hill Country Primary Groundwater Management Area would be to provide water to a body of water to enhance the appearance of the landscape.

Section 2.22 - Amends subsection (d), Section 36.117, Water Code to allow a Groundwater Conservation District to require permitting of a well if the withdrawals from within the Hill Country Primary Groundwater Management Area are no longer used for domestic or livestock.

Section 2.23 - Amends subchapter H, Chapter 49, Water Code by adding Section 49.2205 to foster right-of-way easements for clean coal projects including associated water pipelines.

Section 2.24 - Amends Chapter 49, Water Code by adding Subchapter O which addresses the conversion of certain water rights on subdivided land from irrigation to municipal use. The new subchapter applies only to Cameron, Willacy, and Hidalgo counties and only to land that has been subdivided, is nonagricultural, has a filed and recorded plat or map, and is or was assessed as flat rate irrigable property with a potable water supply or that includes part of the subdivided land in the municipal water supplier's service or corporate area. It allows a municipal water supplier to petition a district to convert the proportionate irrigation water right to the Rio Grande previously associated with the subdivided land from irrigation to municipal use. It sets forth some terms of contracts associated with these conversions of water such as that the purchase price may not exceed 68 percent of the current market value (based on Rio Grande Regional Water Authority calculations); that municipal suppliers may contract for at least 40 years; that water should be provided to petitioners within two years; and, that 75 percent of proceeds must be designated for capital improvements in the district. It also sets forth requirements regarding how a district may contract to sell water outside the county including public notifications and posting and making water available for sale within the counties.

Section 2.25 - Amends Subchapter Z, Chapter 51, Education Code by adding Section 51.969 to encourage higher education instruction regarding on-site reclaimed water systems.

Section 2.26 - Amends Chapter 68, Education Code by adding Subchapter B establishing the Sustainable Water Supply Research Center at the University of Texas at Arlington not later than September 1, 2008. The Center would conduct, sponsor, or direct research directed toward promoting conservation through development of sustainable water supplies for the state and mitigating the effect of diminishing water supplies; and to conduct an instructional program in water conservation with an emphasis on development of a sustainable water supply.

Section 2.27 - Amends Section 447.004, Government Code by requiring certain state buildings include on-site reclaimed water systems.

Section 2.28 - Amends Section 341.042, Health and Safety Code directing Texas Commission on Environmental Quality to make certain rules regarding rainwater harvesting systems connected to a public drinking water system.

Section 2.31 - Amends Chapter 401, Local Government Code by adding Section 401.006 clarifying that home-rule municipalities may adopt and enforce conservation ordinances within their extraterritorial jurisdiction.

Section 2.32 - Amends Subchapter Z, Chapter 402, Local Government Code by adding Section 402.911 specifying cases in which certain water service providers must provide certain water service customer information to the municipality or district providing sewer service in order to facilitate billing for sewer service. It also allows sewer service providers to give notice to customers for non-payment and requires water service providers to cut off water service if the sewer services, provided by others, remain unpaid.

Section 2.33 - Amends Section 430.003, Local Government Code to exclude private higher education institutions from infrastructure fees.

Section 2.34 - Amends Section 1903.053, Occupations Code requires Texas Commission on Environmental Quality to adopt and enforce rules governing design, construction and operation of irrigation systems, water conservation, and duties and responsibilities of licensed irrigators.

Section 2.35 - Directs the TWDB to study the impacts of climate change on the water supplies of the Rio Grande. As part of that study, the TWDB is directed to organize a conference to hear from experts on the potential impacts of climate change on the water resources of the Rio Grande. The study and conference will also help the Far West Texas Regional Water Planning Group develop water management strategies to help deal with these potential impacts. The bill specifically directs the TWDB to consider any analyses conducted by states to the west of Texas. An advisory committee will be set up, consisting of representatives from water authorities, industrial customers, agricultural interests, municipalities, fishing and recreational interests, environmental advocacy groups, and academicians.

Section 2.36 - Repeals Chapter 9 of the Water Code, related to the Texas Water Advisory Council and makes the repeal effective on the effective date of this article.

Section 2.37 - Repeals Chapter 64, Water Code regarding The Ogallala Water Import Authority of Texas.

Section 2.38 - Directs TWDB to appoint members to the Water Conservation Advisory Council as soon as practicable and specifies terms and expiration dates for members.

Section 2.39 - Clarifies which applications, proceedings, certificates Section 2.08 of the bill (regarding changes to Section 13.2451, Water Code) applies to.

Section 2.40 - Amends Section 15.102 and 17.125, Water Code to exempt any existing pending applications for TWDB financial assistance from new requirements in legislation.

ARTICLE 3 (Construction and Operation of Reservoirs)

Section 3.01 - Amends Section 16.051, Water Code clarifying that acquisition of property for utility service within a unique reservoir site cannot prevent development of a reservoir.

Section 3.02 - Amends Subchapter E, Chapter 16, Water Code by adding Sections 16.143 and 16.144 to allow former owners of land in a unique reservoir site to lease the land until the reservoir is to be built and to give landowners an option to provide mitigation lands through an easement rather than through sale of property.

ARTICLE 4 (Unique Reservoir Sites and Sites of Unique Ecological Value)

Section 4.01 - Designates as unique reservoir sites all reservoir sites that were recommended for such designation in the State Water Plan as of May 1, 2007.

Section 4.02 - Designates as sites of unique ecological value all designates those river or stream segments that were recommended for such designation in the State Water Plan.

Section 4.03 - Places some restrictions on water right ownership and cost allocations associated with reservoirs to be developed within Region D.

Section 4.04 - Creates the Study Commission on Region C Water Supply and directs TWDB to provide technical support and funds as this commission conducts tasks prescribed in the bill including identifying locations of proposed mitigation sites for proposed reservoirs.

ARTICLE 5 (Legislative Joint Interim Committee)

Creates an eight-member interim committee supported by legislative staff that would hold hearings meet at least annually with the executive directors/administrator of Texas Commission on Environmental Quality and TWDB to collect information on water infrastructure needs and consider whether assessed water fees are sufficient to support the required water-related state programs and identify potential sources of funding of state water programs, data collection, financial assistance programs, and water resource planning activities.

ARTICLE 6 (Texas Water Development Board)

This article amends Section 16.344 of the Water Code to ensure that existing Economically Distressed Areas Program projects move forward while maintaining compliance with the Model Subdivision Rules. In addition this bill allows the TWDB more flexibility in resolving situations of non-compliance by addressing two basic goals: (1) facilitate compliance review; and (2) provide the TWDB the ability to respond to noncompliance in ways that encourage remediation of the problem without jeopardizing current projects.

ARTICLE 7 (Rate Classes for Billing)

Allows a water district to apply differing charges between any customer classes the district specifies.

ARTICLE 8 (Study of Role of Lake Somerville in Economic Development)

Directs the Brazos River Authority and the Lower Colorado River Authority to study the role of Lake Somerville in economic development of the surrounding vicinity.

ARTICLE 9 (Aqua Special Utility District)

Deals with the succession of the La Joya Water Supply Corporation by the La Joya Special Utility District. The bill would authorize the current receiver to take all necessary steps to allow the Texas Commission on Environmental Quality to transfer the Certificates of Necessity and Convenience to the Special Utility District. The bill would also establish a temporary board of directors for the Special Utility District, until a uniform election is held. It changes the name from the La Joya Water Supply Corporation to the Aqua Special Utility District.

ARTICLE 10 (True Ranch Municipal Utility District)

Creates the True Ranch Municipal Utility District No.1 of Hays County to be located entirely in Hays County and enumerates its powers, duties, and obligations. Combines the traditional powers and duties of a district governed by Chapter 49 (Provisions Applicable to All Districts) and Chapter 54 (Municipal Utility Districts), Water Code, including the powers of a road district to the extent authorized by Article 3 (Counties, Cities or Other Political Corporations or Subdivisions; Lending Credit; Grants; Bonds), Section 52, Texas Constitution.

ARTICLE 11 (Tablerock Groundwater Conservation District)

Creates the Tablerock Groundwater Conservation District in Coryell County.

ARTICLE 12 (Edwards Aquifer Authority)

Increases the pumping limit for the Edwards Aquifer Authority and establishes a process for development of a critical period management plan. Establishes the Recovery Implementation Program at the Edwards Aquifer Authority.

Section 12.01 - Amends Subsection (f), Section 1.11, Chapter 626 Acts of the 73rd Legislature, Regular Session, 1993 to allow the authority to own, finance design, construct, operate, or maintain recharge facilities. Clarifies what a recharge facility is and that it is not a facility to recirculate water at Comal or San Marcos springs. Specifies notice requirements associated with developing recharge structures and requirements for input from and partnering opportunities for entities in which the structures will be located.

Section 12.02 - Amends Subsection (a), (c), (e), (f), and (h) Section 1.14 Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993 to recognize “the hydro-geologic connection between surface water and groundwater;” amend the amount of permitted withdrawals from 400,000 acre-feet to “not exceed or be less than 572,000 acre-feet;” clarify for what purpose the Edwards Aquifer Authority may allow new wells to be drilled; change the trigger level in well J-17 from 650 feet above mean sea level to 660 feet above mean sea level and remove text regarding limiting withdrawals from the Uvalde pool when J-17 is above 845; and, remove a June 1, 1994 date associated with the authority implementing and enforcing water management practices to maintain spring flows.

Section 12.04 - Amends Subsection (b) Section 1.19, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993 requiring that withdrawal of water must be consistent with the authority’s critical period management plan as established under Section 1.26 of the Edwards Aquifer Authority Act (Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993). Also adds two new spring flow limits for term permit withdrawals. The limits to San Antonio pool term permits now include: 1) J-17 must be higher than 675 feet above mean sea level (increased from 660 previously); 2) the flow at Comal Springs must be higher than 350 cfs; and, 3) the flow at San Marcos Springs must be greater than 200 cfs.

Section 12.06 - Amends Section 1.26, Article 1, Chapter 626, Acts of the 73rd Legislature Regular Session, 1993 and adds a new Section 1.26A. Section 1.26 requires that after the program document outlined in Section 1.26A has been received and adopted, the authority will prepare a report for the Governor, Lieutenant Governor and Speaker of the House describing recommendations and actions taken and/or reasons recommendations are not implemented.

Requires that the authority adopt a critical period management plan by January 1, 2008 and to enforce it in accordance with the tables for critical withdrawal periods for the San Antonio and Uvalde pools included in this section. Withdrawal reductions specified are up to 40 percent of permitted rights in the San Antonio pool and 35% in the Uvalde pool.

This section has a provision for raising or lowering the withdrawal rate based on a 10 day average of the water levels at J-17 and the spring flow rates at Comal and San Marcos springs. Beginning September 1, 2007, the authority may not require that the volume of permitted withdrawals be less than 340,000 acre-feet under stage IV with this limit reducing to 320,000 acre-feet after January 1, 2013 unless modified as a result of Section 1.26A activities.

The new Section 1.26A (b) requires the Edwards Aquifer Authority to enter into a memorandum of agreement by December 31, 2007 with the U.S. Fish and Wildlife Service, other appropriate federal agencies, the Texas Commission on Environmental Quality, the Texas Parks and Wildlife Department, the Texas Department of Agriculture, and the Texas Water Development Board and other stakeholders to prepare a program document that may be in the form of a habitat conservation plan.

The new Section 1.26A (c) requires the Edwards Aquifer Authority to enter into an implementing agreement [referred to as 'cooperative agreement' in subsection (d-2)] by December 31, 2009 with the U.S. Fish and Wildlife Service, other appropriate federal agencies, the Texas Commission on Environmental Quality, the Texas Parks and Wildlife Department, the Texas Department of Agriculture, and the Texas Water Development Board and other stakeholders jointly to prepare a program document that may be in the form of a habitat conservation plan to be used in issuance of an federal incidental take permit.

The program document shall: 1) make recommendations regarding withdrawal adjustments to ensure species protection at all times; 2) provide for pursuit of funding from government and other sources including funding for a program director; and 3) be approved and executed by the authority and others by September 1, 2012 and taking effect December 31, 2012.

Texas A&M University shall assist in the creation of a steering committee of approximately 21 members from various state agencies and other technical experts including the Texas Water Development Board by September 30, 2007. The steering committee will work with A&M to hire a director; establish meeting schedules; appoint an expert science subcommittee by December 31, 2007; and, establish a recharge facility feasibility subcommittee.

The expert science committee shall develop and submit recommendations no later than December 31, 2008 including the option of designating a separate San Marcos pool; the necessity to maintain minimum springflows to protect endangered species; and, the possibility of making adjustments to trigger levels for the San Marcos Springs and San Antonio pool. With input from stakeholders and others, the steering committee shall submit recommendations to the authority that must include periodic review, monitoring, and refining of the critical period management plan.

Section 12.08 Subsections (b), (h) and i), Section 1.29, Chapter 626, Acts of the 73rd Legislature Regular Session, 1993 are amended by changing a fee assessment reference associated with water districts from Chapter "52" to Chapter "36."

Sections 12.05 and 12.09 clean up Sections 1.14, 1.21, 1.22, and Section 1.29, Chapter 626, Acts of the 73rd Legislature Regular Session, 1993 to remove reference to ‘retirement’ of water rights regarding how the withdrawal cap could be raised and the need for and associated financing required to buy down rights in order to reduce withdrawals to meet limits.

ARTICLE 13 (Territory of Culberson County Groundwater Conservation District)

Annexes, subject to ratification, the remaining area of Culberson County into the Culberson County Groundwater Conservation District.

Senate Bill 99	
AUTHOR:	Sen. Zaffirini, Judith
SPONSOR:	Rep. Guillen, Ryan
CAPTION:	<i>Relating to the identification of and provision of assistance to colonias and for tracking the progress of certain state-funded projects that benefit colonias</i>
CATEGORY:	Financial Assistance/Economically Distressed Areas
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Bill Allen and Robert Ruiz

Directs certain state agencies to report information to the Secretary of State's office regarding the status of water, wastewater, and other infrastructure projects in colonias. The bill requires the Secretary of State to compile information received, prepare a report about the progress of state-funded colonia projects, and report to the legislature.¹

The definition of a colonia has been changed from a geographic area inhabited by 11 or more persons to a geographic area that "consists of 11 or more dwellings that are located in close proximity to each other in an area that may be described as a community or neighborhood."

Makes changes regarding which agencies are required to report colonia funding to the Secretary of State.

If funds are not appropriated to prepare the report, it extends the initial deadline for submitting the report from December 1, 2008 to December 1, 2010.

¹ Senate Research Center Bill Analysis for the Senate International Relations and Trade Committee public hearing on March 20, 2007.

Senate Bill 175	
AUTHOR:	Sen. Wentworth, Jeff
SPONSOR:	Rep. Parker, Tan
CAPTION:	<i>Relating to the calculation of certain deadlines under the public information law.</i>
CATEGORY:	Public Information/Open Records
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Jim Bateman

The bill amends Government Code 552.263 and 552.306 to clarify that two deadlines are business days rather than calendar days:

- 10-day deadline for requestor to post a bond;
- 45-day deadline for Attorney General to render an opinion; and a
- 10-day extension of the deadline for Attorney General to render an opinion.

Various current statutes, including the Public Information Act, use a variety of terms referencing a day in which a person is generally required to work. This variation in terms can, at times, cause complications to arise in the calculation of certain deadlines.

S.B. 175 clarifies that the term "business day" is to be used to calculate certain deadlines and makes conforming changes to other sections currently using the term "working day."¹

Senate Bill 300	
AUTHOR:	Sen. Ellis, Rodney
SPONSOR:	Rep. Paxton, Jr., Ken
CAPTION:	<i>Relating to the duration of judgment liens in favor of the state.</i>
CATEGORY:	Ethics/Legal Issues
EFFECTIVE:	April 23, 2007
ANALYSIS BY:	Robert R. Flores

Amends Section 52.006 of the Property Code dealing with the duration of a lien. Provides that a properly filed (recorded and indexed) judgment in favor of the state or a state agency does not become dormant for 20 years (twice the normal length of time) and even then may be renewed once for another 20 year period.

Satisfaction or release of the judgment are the only cures. Significantly, this applies to current judgments if they are not dormant; a judgment lien recorded before the effective date of the Act; or a judgment or abstract of judgment recorded and indexed on or after the effective date of the Act.

¹ Senate Research Center bill analysis for Senate State Affairs Committee, June 4, 2007.

Senate Bill 404	
AUTHOR:	Sen. Zaffirini, Judith
SPONSOR:	Rep. Gonzalez Toureilles, Yvonne
CAPTION:	Relating to the Bee Groundwater Conservation District.
CATEGORY:	<i>Groundwater Conservation District/Groundwater Issues</i>
EFFECTIVE:	May 23, 2007
ANALYSIS BY:	Rima Petrossian

This bill makes changes to the enabling legislation for the Bee Groundwater Conservation District. The primary change is removal of the rights, powers, privileges, authority, functions, and duties provided by Chapter 49 of the Water Code.

Section 1 - Proposes to add Chapter 8804 to the Special District Local Laws Code. This chapter establishes the nature of the Bee Groundwater Conservation District, the district boundaries, the board, board members' eligibility, board member election dates and board powers.

Section 2 - Validates the district, confirms all actions previous and subsequent to this legislation as valid.

Section 3 - Repeals Chapter 678 of the 75th Legislature. Chapter 678 was the enabling legislation for the Bee County Groundwater Conservation District. This action removes redundant law and establishes the district's enabling power in the appropriate location in state statute.

Senate Bill 592	
AUTHOR:	Sen. Wentworth, Jeff
SPONSOR:	Rep. Parker, Tan
CAPTION:	<i>Relating to special notice to the news media of the meeting of a governmental body in certain situations under the open meetings law.</i>
CATEGORY:	Ethics/Legal Issues
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Jim Bateman

Amends Government Code 551.047 and 551.052 to update notice requirements for open meetings special notices to news media. The bill deletes a reference to "telegraph" and replaces it with "facsimile transmission" and "electronic mail" in both sections. "Current law does not allow the presiding officer of a governmental body to communicate to the media notice of an emergency meeting or emergency addition to an agenda through facsimile transmission or electronic mail. S.B. 592 will correct this by allowing presiding officers of governmental bodies the option to communicate through facsimile transmission or electronic mail the notice of an emergency meeting or emergency addition to an agenda. S.B. 592 amends Section 551.047(c) and 551.052(b) of the Government Code to add facsimile transmission and electronic mail to the list of approved means to communicate to the news media notice of an emergency meeting or emergency addition to an agenda, and removes telegraph as an approved means of communicating this same information."¹

¹ House State Affairs Committee bill analysis May 7, 2007.

Senate Bill 616	
AUTHOR:	Sen. Duncan, Robert
SPONSOR:	Rep. Puente, Robert
CAPTION:	<i>Relating to the protection and use of intellectual property by the executive administrator of the Texas Water Development Board.</i>
CATEGORY:	Ethics/Legal Issues
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Tom Tagliabue

Authorizes the TWDB' Executive Administrator, with the Board's approval, to:

- (1) obtain under laws of the U.S., Texas, another state or nation: a patent for a process, machine, manufacture, composition of matter, art or method; a copyright for an original work of authorship; (c) a trademark or other mark for a word, name, symbol, device or slogan used by the Board; or (d) other intellectual property;
- (2) contract with a person for the utilization of the Board's intellectual property;
- (3) obtain under (2), a royalty or other compensation for the use of the Board's intellectual property;
- (4) waive, increase or reduce the compensation for the use of the Board's intellectual property right, if the Executive Administrator, with the Board's approval, determines the waiver, increase or reduction will: (A) further the goal or mission of the Board; and (B) result in a net benefit to the State; and
- (5) enforce rules adopted by the Board to implement the section.

Senate Bill 622	
AUTHOR:	Sen. Carona, John
SPONSOR:	Rep. Callegari, Bill
CAPTION:	<i>Relating to the collection of certain data for the Texas Natural Resources Information System and the duties of the Texas Geographic Information Council.</i>
CATEGORY:	Information Resources/Technology Issues
EFFECTIVE:	May 11, 2007
ANALYSIS BY:	Tom Tagliabue

Adds emergency management related data to the list of information collected by the Texas Natural Resources Information System. The statute is updated to reflect its expanded role in emergency management activities.

Also, changes the due date of the biennial report of the Texas Geographic Information Council from September 1 to November 1 of even-numbered years and clarifies information required in the report. Moving the deadline to November 1 will give TWDB and the Department of Information Resources additional time to work with Texas Geographic Information Council members to produce the biennial report and will allow for input to the Department of Information Resources Biennial Performance Report.

In 1997, the 75th Legislature established the Texas Geographic Information Council as the primary coordinating body for geographic information systems in Texas state government. The coordination role is designed to achieve cost effective use of geographic information systems data and technologies and to support the incorporation of geographic information systems into state agency business functions. The Texas Geographic Information Council includes 45 members from state, local and federal agencies and universities. The executive director of the Texas Department of Information Resources and the executive administrator of the TWDB serve as the executive sponsors of the Texas Geographic Information Council. The Texas Geographic Information Council is required by Section 16.021, Water Code, to publish a biennial report on the use of geographic information systems technology by state government, which provides an inventory of geographic information systems 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 September 1 of even-numbered years is problematic in that it corresponds with the Legislative Appropriations Request process.

Senate Bill 657	
AUTHOR:	Sen. Seliger, Kel
SPONSOR:	Rep. Puente, Robert
CAPTION:	<i>Relating to the threshold amount at which certain water districts are required to solicit competitive bids before awarding certain contracts and to the ability of such districts to enter those contracts.</i>
CATEGORY:	Project Oversight/Utility Operations
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Larry Zamzow

Amends Section 49.271 (c), Section 49.273 (d), (e), and (f) of the Water Code, and adds Section 49.273 (m) to the Water Code. The revisions pertain to water districts obtaining bid bonds of construction contracts over \$50,000 instead of \$25,000, requiring the advertisement for bids on contracts over \$50,000 instead of \$25,000, requiring competitive bids on contracts over \$25,000 but not more than \$50,000, and not requiring the advertisement or competitive bidding on contracts not more than \$25,000 instead of \$15,000.

TWDB engineering staff will have to be made aware of the new threshold amounts pertaining to the requirements of bid solicitation on contracts proposed by water districts.

Senate Bill 662	
AUTHOR:	Sen. Wentworth, Jeff
SPONSOR:	Rep. Hilderban, Harvey
CAPTION:	<i>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.</i>
CATEGORY:	Groundwater Conservation District/Groundwater Issues
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Tom Tagliabue

This bill would add the Texas Water Development Board and any relevant groundwater conservation district to the list of entities who receives groundwater data from a subdivision developer, if the municipality or county requires the data to be submitted with a plat application. Groundwater conservation districts and regional water planners would have additional data to conduct their work. Also, the state would have more information to maintain its groundwater database and for conducting groundwater studies. Requires the Texas Commission on Environmental Quality to adopt rules not later than September 1, 2009.

Senate Bill 687	
AUTHOR:	Sen. Shapleigh, Eliot
SPONSOR:	Rep. Solomons, Burt
CAPTION:	<i>Relating to the use of Texas Online by state agencies and local governments.</i>
CATEGORY:	Information Resources/Technology Issues
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Darryl Lindgens

Amends Chapter 2054, Government Code, by broadening transaction capabilities of Texas Online website. Further allows the Department of Information Resources to setup a method to track payments and requires the Department of Information Resources to publish standards for agency internet websites.

Perceive great benefits of expanding the capabilities of transactions handled via Texas Online which will be a great benefit to our customers and agency staff alike. Also, there are great benefits to being able to track payments. Once the Department of Information Resources publishes rules establishing standards for agency Internet websites, TWDB will be required to comply. This may or may not require major rework and it may not, all depending on the standards.

Senate Bill 704	
AUTHOR:	Sen. Lucio, Jr., Eddie
SPONSOR:	Rep. Lucio III, Eddie
CAPTION:	<i>Relating to the small contractor participation assistance program for certain state construction projects.</i>
CATEGORY:	Project Oversight/Utility Operations
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Chris Adams

This bill amends the Government Code by providing that the Small Contractor Participation Assistance Program (program) applies only in relation to a public works project that will involve a contract or aggregated multiple contracts with an estimated cost of more than \$1 million, rather than to a contract for a public works project that has an estimated cost of more than \$20 million (current law).

The bill requires a method to be developed with the guidance of the Department of Insurance to assist small contractors in preparing bond application packages for public works projects in a format acceptable to bond underwriters and obtaining bonds required to participate in public works projects.

The bill requires the Texas Building and Procurement Commission to designate a Texas Building and Procurement Commission employee to serve as a small contractor participation assistance coordinator (coordinator) and requires the coordinator to perform certain duties. The coordinator must submit an annual report describing the activities and progress of the program to the Governor, Lieutenant Governor, and Speaker of the House. The bill further specifies that funding appropriated to the Texas Building and Procurement Commission for the program may only be used for that purpose.

Information on and assistance in small contractor safety training is required to ensure compliance with federal jobsite safety standards to be included in the technical assistance plan (plan) to be adopted by the Texas Building and Procurement Commission. The bill requires, rather than authorizes, the Texas Building and Procurement Commission to negotiate contracts with persons or firms having expertise and any required license in the areas that must be included in the Texas Building and Procurement Commission's plan to provide the information and assistance. The bill makes nonsubstantive changes.

Senate Bill 707	
AUTHOR:	Sen. Lucio, Jr., Eddie
SPONSOR:	Rep. Flores, Kino
CAPTION:	<i>Relating to the powers and duties of the Rio Grande Regional Water Authority and the establishment of a member conference.</i>
CATEGORY:	Project Oversight/Utility Operations
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Kathleen B. Ligon

Section 1 - Amends Section 1.01, Chapter 385, Acts of the 78th Legislature, by adding the some standard definitions for clarification.

Section 2 - Adds Article 1A, Conference, to establish that each county, municipal class entity, water supply corporation, and irrigation district or other water district in the authority is a member of the conference; and that the Rio Grande Regional Water Authority Board may appoint an advisory committee composed of representatives of the conference members to advise the board in administering this Act.

Section 3 - Amends current Act to change the board of directors from 15 to 18 members that serve staggered four-year terms. Twelve of the directors are to be appointed by the governor, with the advice and consent of the senate, including nine representing irrigation districts (from a list of nominees submitted by the conference), one representing the public, one representing municipal class entities that are members of the conference, and one representing water supply corporation members. Additionally, one director is appointed from each of the six counties in the authority by majority vote of the commissioner's court of that county. The watermaster serves as a nonvoting advisor to the board.

Section 4 - Adds Section 2.035 to make it a ground for removal from the board when a director is absent from more than half of the regularly scheduled board meetings that a director is eligible to attend during a calendar year without an excuse approved by a majority vote of the board.

Section 5 - Amends Section 2.06 (b) to prohibit the president of the authority from voting, except to break a tie vote.

Section 6 - Amends Section 3.07 to allow the authority to serve as a court-appointed receiver of any political subdivision, municipally owned utility, or water supply corporation.

Section 7 - Adds Section 3.08 to require that the watermaster provide to the board a list of all the water rights held inside the boundaries of the authority and the authorized use of each right, not later than September 1 of each year. The board will review and certify each list, and provide it to the governor and each legislator located in whole or part within the authority boundary by December 1 of each even-numbered year.

Section 8 - Adds Section 4.04 to allow the authority to impose a fee or assessment on a member of the conference or another water user to pay authorized expenses of the authority. The initial fee or assessment may not exceed five cents for each water right held by the water entity. Any county in the authority may contribute county money to support the operations, projects, or other authorized expenses of the authority.

Section 9 - Requires the watermaster to determine the number of water rights held by each member of the conference of the Rio Grande Regional Water Authority on or before the 90th day and not later than one year after the effective date of this Act.

Section 10 - Provides that appointments to the board made on or before September 30, 2007 are not required to be made from a list of nominees submitted by the conference or are subject to senate confirmation.

Senate Bill 714	
AUTHOR:	Sen. Fraser, Troy
SPONSOR:	Rep. Puente, Robert
CAPTION:	<i>Relating to reports regarding certain water wells required by a groundwater conservation district.</i>
CATEGORY:	Groundwater Conservation District/Groundwater Issues
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Edward S. Angle

This bill relates to reports regarding certain water wells required by a groundwater conservation district.

Amends the Water Code Section 36.111 Records and Reports (a) by giving districts the option (by using "may" instead of "shall" in the bill) to collect records on drilling and completing water wells. Subsection (b) is added that allows districts to adopt rules requiring well owners/operators, except those that are exempt under Section 36.117(b)(1), to report groundwater withdrawals with reasonable and appropriate reporting methods and frequencies. This information would be useful in determining groundwater use in the state.

Senate Bill 747	
AUTHOR:	Sen. Watson, Kirk
SPONSOR:	Rep. Bolton, Valinda
CAPTION:	<i>Relating to the authority of the Barton Springs-Edwards Aquifer Conservation District to charge certain fees and limit groundwater production during a drought.</i>
CATEGORY:	Groundwater Conservation District/Groundwater Issues
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Robert E. Mace

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

This bill (1) removes the reference in Chapter 36, Water Code, to fees related to the district, (2) adds the reference to fees into the Special District Local Laws Code, (3) changes the fee structure, and (4) specifies in the Special District Local Laws Code that the district may restrict or prohibit groundwater production during drought and may restrict or prohibit groundwater production for industrial, commercial, and non-agricultural irrigation during extreme drought .

Section 1 - Amends Section 36.205(d), Water Code (Authority to Set Fees), to (1) remove the restriction that the Barton Springs-Edwards Aquifer Conservation District cannot charge production fees for an annual period greater than \$1 per acre-foot for water used for agricultural use or 17 cents per thousand gallons for water used for any other purpose and (2) remove the restriction that Barton Springs-Edwards Aquifer Conservation District may assess a water use fee against a specific municipality in an amount not to exceed 60 percent of the total funding of the district received from water use fees assessed against that municipality and other nonexempt users in the district.

Section 2 - Amends Subchapter C, Chapter 8802, Special District Local Laws Code, by adding Section 8802.1045 (Amount of Annual Production Fee) which states that the Barton Springs-Edwards Aquifer Conservation District may not charge an annual production fee of more than \$1 per acre-foot for water permitted for agricultural use or 17 cents per thousand gallons for water permitted for any other purpose unless it is:

(1) for a permit first issued after September 1, 2007, or a permit first issued after September 9, 2004, and renewed after September 1, 2007, in which the district may charge, for the amount of water permitted under the permit as issued or renewed if the water is permitted for any purpose other than agricultural use, an annual production fee of not more than the greater of 38 cents per thousand gallons or the current firm water use rate adopted by the Lower Colorado River Authority for raw, untreated water; (2) for a permit that is materially amended after September 1, 2007, in which the district may charge, for only the additional amount of water authorized by the material amendment if the water is permitted for any purpose other than agricultural use, an annual production fee of not more than the greater of 38 cents per thousand gallons or the current firm water use rate adopted by the Lower Colorado River Authority for raw, untreated water; or (3) for a permit first issued on or before September 9, 2004, that is renewed without material amendment after September 1, 2007, in which the district may not charge an annual production fee of more than 17 cents per thousand gallons for the amount of water permitted under the permit as renewed if the water is permitted for any purpose other than agricultural use.

The board may adopt a differential rate structure for the nonagricultural production fees described by this section to promote alternatives to the exclusive use of groundwater resources.

This section also defines that a material amendment is an amendment to a permit that increases the amount of water permitted by more than 10 percent in one fiscal year or by more than 25 percent in any three-year period. The renewal on or after September 1, 2007, of a permit that was issued on or before September 9, 2004, is considered to be a material amendment for purposes of this section if the permit as renewed increases the amount of water permitted by an amount that exceeds the limits specified by this subsection.

Section 3 - Amends Section 8802.105, Special District Local Laws Code (Certain Water Use Fees Permitted) such that the district may assess against the City of Austin a water use fee in an amount not to exceed 60% (increased from 40%) of the total funding the district expects to receive for the next fiscal year (as opposed to the current year) from water use fees assessed against Austin and other nonexempt users in that year. This section also amends Section 8802.105 to explain how the district will compute water use fees for the City of Austin: (1) the district shall estimate the amount of permitted pumpage for the next fiscal year by considering various factors including historical growth rates, future growth rates, the amount of permitted pumpage, historical permitted pumpage, and any pending applications for permitted pumpage;

Section 3 continued - (2) the district shall use the estimated amount of permitted pumpage and its water use fee rate to compute the water use fee to be assessed against the City of Austin for the district's next fiscal year; and (3) the district shall compute the water use fee assessed against the City of Austin at a rate of 17 cents per thousand gallons for the total amount of water permitted for any nonagricultural purpose, regardless of the rate actually imposed on or remitted by the permittee.

Section 4 - Amends Subchapter C, Chapter 8802, Special District Local Laws Code, by adding Section 8802.109 (Restrictions on Production During Drought) which states that during a period declared by the district to be a drought and as specified in the district's approved management plan, the district may restrict or prohibit groundwater production associated with industrial, commercial, and nonagricultural irrigation uses to maintain groundwater production necessary to sustain human consumption and protect the public's health, safety, and welfare.

Section 5 - States that the legislature finds that the Barton Springs-Edwards Aquifer Conservation District benefits the sustainable use of groundwater by promoting, through fee and permitting mechanisms, alternatives to the exclusive use of groundwater resources, including the conjunctive use of groundwater and surface water resources.

Senate Bill 757	
AUTHOR:	Sen. Hegar, Jr., Glenn
SPONSOR:	Rep. Callegari, Bill
CAPTION:	<i>Relating to the planning and management of state telecommunications services by the Department of Information Resources.</i>
CATEGORY:	Information Resources/Technology Issues
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Chris Adams

S.B. 757 relates to the planning and management of state telecommunications services by the Department of Information Resources. The engrossed bill provides that Department of Information Resources shall establish plans and policies for the system of telecommunications services managed and operated by the Department. The goal is to develop a state telecommunications network and services.

This bill amends the Government Code by requiring the Department of Information Resources to establish plans and policies for the system of telecommunications services managed and operated by the Department of Information Resources. The bill amends the reporting requirement the report on information resource technologies by state government, requiring that the report also assess the progress made toward accomplishing the goals of the plan for a state telecommunications network and to develop a system of telecommunications services as provided by Subchapter H.

The bill also requires the plan to include information about best practices to assist state agencies in adopting methods for design, deployment, and management of telecommunications services. The bill deletes existing text referring to the telecommunications planning and oversight council being required to collect and manage certain information and replaces it with a reference to the Department of Information Resources.

The Department of Information Resources is also required by the bill to provide the information collected under this section to the council in a manner consistent with state and federal security restrictions. The bill requires the oversight council to consult with the Department of Information Resources to establish plans and policies for a system of telecommunications services. The bill requires the Department of Information Resources to consult with the oversight council regarding telecommunications elements of the State Strategic Plan.

The bill requires the Department of Information Resources to consult with the oversight council regarding information that is required to be included in the performance report, and deletes existing text requiring the oversight council to report biennially to the legislature by October 1 of each even-numbered year on the status of the current plan for a state telecommunications network and on the progress state government has made towards accomplishing the goals of the plan.

The bill repeals Section 2054.206, Government Code, which requires the telecommunications planning and oversight council to submit an annual report to the Department of Information Resources. Finally, the bill makes conforming changes. It is not clear how, or whether, the Department of Information Resources telecommunications network will impact the TWDB.

Senate Bill 781	
AUTHOR:	Sen. Lucio, Jr., Eddie
SPONSOR:	Rep. Pickett, Joseph
CAPTION:	<i>Relating to remedies available if a subdivider fails to provide water or sewer services in certain subdivisions near an international border.</i>
CATEGORY:	Project Oversight/Utility Operations
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Francia Harutunian

Amends Local Government Code Chapter 232 (County Subdivision Rules) by adding specific language regarding the amount of charges to fine a subdivider who sells property (after July 1, 1995) without water and sewer service (economically distressed as defined by Section 17.921, Water Code; Subchapter C.)

Senate Bill 908	
AUTHOR:	Sen. Brimer, Kenneth
SPONSOR:	Rep. McClendon, Ruth
CAPTION:	<i>Relating to the continuation and functions of the State Office of Risk Management.</i>
CATEGORY:	Appropriations/Finance
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Chris Adams

Requires the State Office of Risk Management to provide state agencies with return-to-work coordination services to facilitate injured employees' return to work and continues the Risk Management Board for 12 years. Coordination services include establishing a time frame in which the employer must initiate case management for the injured worker, providing guidance to each agency to identify appropriate services, and adopting rules to guide agencies' interactions with the injured employees.

The bill requires the Risk Management Board to adopt rules to guide the collection and evaluation of lost time and return to work information. S.B. 908 requires the State Office of Risk Management: to collect and analyze certain data on lost time from each state agency to identify agencies in need of training or case management services related to return-to-work services; to modify, as needed, the assessment computation to encourage agencies to reduce their workers' compensation costs; to incorporate as necessary return-to-work goals developed by the division of workers' compensation (division); to work with the workers' compensation research and evaluation group to develop analytical tools to assist the State Office of Risk Management with its duties; to require state agencies to report data in a standardized format; to monitor the information reported by each state agency; and to report return-to-work outcomes by agency to the Legislature.

Requires the State Office of Risk Management to study how the state could structure its workers' compensation program to prepare for claims resulting from a disaster. This bill requires the State Office of Risk Management to study various options, such as establishing a state employee workers' compensation catastrophe fund outside of the State Treasury, the purchase of catastrophe reinsurance, or other options to prepare the state for catastrophic claims.

Also requires the State Office of Risk Management to work with the workers' compensation research and evaluation group and authorizes the State Office of Risk Management to contract with a consultant to estimate the appropriate size for a catastrophe fund or level of reinsurance. The bill requires the State Office of Risk Management to report the findings of this study to the Legislature by September 1, 2008.

Requires the State Office of Risk Management to issue workers' compensation payments in the same manner as an employee receives wages, including electronic funds transfer (direct deposit), unless payment by electronic funds transfer is not feasible or if a check is requested or the employee. The bill requires the State Office of Risk Management to adopt rules to implement electronic funds transfer as the preferred method of issuing indemnity payments; and requires State Office of Risk Management to implement direct deposit payments by February 1, 2008.

Requires all state agencies to develop agency-level business continuity plans that outline procedures to keep the agency operational in case of disruptions to production, finance, administration, or other essential operations. The bill requires plans to include detailed information regarding resumption of essential services after a catastrophe including coordination with public authorities, management of media, customer service delivery, and assessing immediate financial and operational needs. Except for providing copies to the State Office of Risk Management, the bill exempts agencies already involved in the delivery of emergency services as a member of the Governor' Emergency Management Council or as part of the State Data Center program, and requires the State Office of Risk Management to assist state agencies with the development of business continuity plans by making available guidelines and models for key elements of the plan. The bill also requires the State Office of Risk Management to work with agencies to ensure that agency staff understand plan elements and that agencies practice implementation of the plan. The bill requires the State Office of Risk Management to evaluate each agency's plan for completeness and viability, and to report biennially to the Legislature on the efforts of state agencies to develop and maintain business continuity plans.

Requires the State Office of Risk Management and Texas Building and Procurement Commission to enter into a memorandum of understanding on exchange of safety related information. The bill requires the memorandum of understanding to detail the type, amount, and frequency of safety-related information that should be shared and designate points of contact within the two agencies. The bill also requires that SORM be added to the current statutorily required memorandum of understanding between State Fire Marshal's Office and Texas Building and Procurement Commission, and that the State Office of Risk Management be copied on communication between State Fire Marshal's Office and Texas Building and Procurement Commission concerning fire-related hazards.

Provides that information in or derived from a workers' compensation claim file regarding an employee is confidential and may not be disclosed by the State Office of Risk Management except as provided by law.

Applies standard across-the-board recommendations of the Sunset Commission regarding public membership on the Risk Management Board; the unbiased appointment of Risk Management Board members; authority for the Governor to designate the presiding officer of the Risk Management Board; the separation of the Risk Management Board's policymaking duties from the agency's management responsibility; public participation before the Risk Management Board; the maintenance of complaint records, including updating parties about the status of complaints; the use of technology; and negotiated rulemaking and alternative dispute resolution policies. The bill also updates standard Sunset across-the-board recommendations regarding conflicts of interest of Risk Management Board members; the grounds for removal of Risk Management Board members; and training of Risk Management Board members before assuming their duties.

Senate Bill 924	
AUTHOR:	Sen. Brimer, Kenneth
SPONSOR:	Rep. Solomons, Burt
CAPTION:	<i>Relating to rules and policies adopted by state agencies regarding engineering or architectural errors or omissions.</i>
CATEGORY:	Project Oversight/Utility Operations
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Mark Hall, Ingrid Hansen

S.B. 924 establishes guidelines for the adoption of state agency procedures for recovering any costs incurred by the agency on a project as a result of the errors and omissions of an engineer or architect.

The bill defines "contract," "private design professional," and "state agency." The definition of "contract" includes a contract awarded by a state agency for a "service." However, the statute does not apply unless an agency adopts a "rule of policy...relating to the recovery of costs arising from an engineering or architectural error or omission." Since TWDB does not currently have a rule or policy on that topic, no action is required.

If TWDB were to adopt a rule or policy, then it would have to incorporate the factors listed in S.B. 924. The bill authorizes state agencies to adopt rules or policies addressing how it will recover costs from an error or omission by an engineer or architect. Must provide notification; resolution procedure; guidelines to distinguish between an error or omission on a change order; cost determination; total project service evaluation; internal management review; cost tracking; and recognition of an error or omission likely to occur.

Senate Bill 968	
AUTHOR:	Sen. West, Royce
SPONSOR:	Rep. Chisum, Warren
CAPTION:	<i>Relating to financing tools for certain obligations for public improvements and for certain obligations of The University of Texas System.</i>
CATEGORY:	Project Oversight/Utility Operations
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Jeff Walker

Expands the use of "credit agreements" and "interest rate management agreements" to a distinct issuer, i.e. a specific, unnamed entity. Also expands the definition of an "interest rate management agreement" and "credit agreement" to include what they shall provide and procedures for the entities.

Senate Bill 1271	
AUTHOR:	Sen. West, Royce
SPONSOR:	Rep. Giddings, Helen
CAPTION:	<i>Relating to county authority to acquire a water or sewer utility system and provide water and sewer services within a municipality.</i>
CATEGORY:	Project Oversight/Utility Operations
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Jeff Walker

Expands the authority of a county with a population of 2 million or more and any adjoining county (i.e., Dallas) to own, operate, and finance a water or sewer system within a municipality. County must have approval of the municipality. Previously limited to counties with a population of 2.8 million or more and adjoining counties (Harris) or those adjoining counties. The bill also specifies that the county may finance the acquisition of such facilities. Previous Code did not specify financing authority, though it seemed implied.

Senate Bill 1306	
AUTHOR:	Sen. Wentworth, Jeff
SPONSOR:	Rep. Goolsby, Tony
CAPTION:	<i>Relating to the attendance by a quorum of a governmental body at certain events under the open meetings law.</i>
CATEGORY:	Ethics/Legal Issues
EFFECTIVE:	May 22, 2007
ANALYSIS BY:	Jim Bateman

Expands the types of gatherings at which the attendance of a quorum of a governmental body does not constitute an open meeting, by including ceremonial events and press conferences as exceptions in the definition of "meeting" in Government Code Sec. 551.001.

Also clarifies existing law to include ceremonial events and press conferences within the exceptions to meetings under the Texas Open Meetings Act. This clarification provides that no formal action may be taken at these events, in conformance with the current requirements of the Texas Open Meetings Act.

Senate Bill 1310	
AUTHOR:	Sen. Wentworth, Jeff
SPONSOR:	Rep. Rose, Patrick
CAPTION:	<i>Relating to the reimbursement of travel expenses for state employees.</i>
CATEGORY:	Human Resources/State Employee Issues
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Renita Bankhead

This bill updates Subchapter A, Chapter 660, Government Code to mandate that state agencies reimburse employees for travel expenses no later than 45 days after the request for reimbursement has been submitted in accordance with state travel rules and agency travel guidelines. In addition, the bill adds a provision that exempts agencies from the 45 day rule in the event of a dispute between the traveling employee and the agency. In the event of a dispute the reimbursement would be due 30 days after the resolution of the dispute.

Senate Bill 1332	
AUTHOR:	Sen. West, Royce
SPONSOR:	Rep. Chavez, Norma
CAPTION:	<i>Relating to the establishment of debt management policies and guidelines by the Bond Review Board, including the approval by the board of certain interest rate management agreements, and to other matters affecting public finance.</i>
CATEGORY:	Appropriations/Finance
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Anthony Owens

Establishes debt management policies and guidelines by the Bond Review Board. Requires submission of requests for proposals to the Bond Review Board (if requested). Requires documentation to the Bond Review Board on an executed contract entered into by an issuer of services (if requested). Agency cannot enter into any Interest Rate Management Agreement unless:

1. The Bond Review Board approves the agreement;
2. The related security is exempted;
3. The issuer entered into at least three interest rates agreements prior to November 1, 2006 or one or more interest rate management agreements totaling at least \$400 million.

The Bond Review Board will provide data for an annual Debt Affordability Study. This information must be submitted before the 1st of December of that year.

The Bond Review Board will submit the annual study to: the Governor, the Comptroller, and Presiding Officer of each House of the Legislature

The study must include a mechanism that can be used to determine the state's debt affordability.

Study must include a target and limit ratio for non self-supporting debt service as a percentage of unrestricted revenues.

Preference for Texas Businesses. If the authority contracts with a private entity to issue bonds, the authority shall consider contracting with an entity that has a place of business in this state and/or a historically underutilized business

A contract for which the solicitation of applicable bids, offers, qualifications, proposals, or other expressions on or after September 1, 2007.

Financial and Investment Advisors in conducting services shall deal fairly with all persons and may not engage in any deceptive, dishonest or unfair practices.

The adviser shall have reasonable grounds for making the recommendations based on the information made available by the issuer or information the adviser otherwise knows about the issuer.

The adviser may not in any year directly or indirectly give or permit to be given to an employee gifts or services including gratuities that have a cumulative value of more than \$100.

The adviser may not act as adviser to an issuer before the second anniversary of the date of making a contribution.

The Bond Review Board shall grant priority to the Texas Economic Development Bank for projects that the Texas Economic Development and Tourism Office determine meet the governor's criteria for funding from the Texas Enterprise Fund.

Senate Bill 1383	
AUTHOR:	Sen. Seliger, Kel
SPONSOR:	Rep. Smithee, John
CAPTION:	<i>Relating to district hearings and citizen suits for illegally drilling or operating a water well.</i>
CATEGORY:	Groundwater Conservation District/Groundwater Issues
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Edward S. Angle

Relating to district hearings and citizen suits for illegally drilling or operating water well. This bill outlines an expedited administrative process through a groundwater district for well owners who suffer injury by illegal well drilling or water producing operations within the district.

Section 1 - Amends Section 36.119 Water Code Subsections (a), (b), and (c), and adds Subsection (g) through (h).

(a) The changes in this subsection include adding “operating” a well, or “wells,” and “producing groundwater” as potential actions that violate district rules on producing groundwater without a permit. The phrase “operating a well at a higher rate of production than the rate approved for the well” was removed.

(b) The changes in this subsection include adding language to clarify (1) who has a right to produce water, (2) that more than one well can be considered, (3) that drilling is included in operating, (4) specifying groundwater, and (4) directing that the suit be against the owner of the well or wells in question.

(c) The changes in this subsection concerning the injured party suing for damages from illegal operations, include adding language clarifying (1) who can be sued, (2) that more than one well can be considered, and (3) that drilling and operating wells in violation of the district's rules can be considered as prima facie evidence.

Subsections (g) and (h) outline the process for filing a suit as outlined in Subsections (a) through (c).

(g) The injured party must first file a written complaint with the district having jurisdiction over the operation. The district has 90 days to investigate and hold a hearing to determine if a violation has occurred. The injured party may file suit on or after the 91st day after the written complaint was received by the district.

(h) Notwithstanding (g) and, an injured party under subsection (b) can file a suit without waiting for the district's investigation, notice, or hearing.

States that this Act only applies to suits filed after the effective date of this Act and that complaints or suits filed before the effective date of this act are governed by the law in effect at the filing date.

Senate Bill 1436	
AUTHOR:	Sen. West, Royce
SPONSOR:	Rep. Creighton, Brandon
CAPTION:	<i>Relating to the transfer of responsibility for the National Flood Insurance Program from the Texas Commission on Environmental Quality to the TWDB 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.</i>
CATEGORY:	Flooding
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Gilbert Ward, Lorelei Weitzel, Jim Scott, Erika Boghici, Drew Decker

Relates to the transfer of responsibility for the National Flood Insurance Program from the Texas Commission on Environmental Quality to the TWDB and the administration and funding of the program.

Section 251.004 of the Insurance Code is amended to create subsection (b) where each state fiscal year, the comptroller shall reallocate to the floodplain management account established under Section 16.3161, Water Code, the first \$3.05 million of the maintenance taxes collected under Chapter 252 and deposited in the general revenue fund.

Section 16.3161 is added to Chapter 16 of the Water Code creating the Floodplain Management Account, a special fund in the state treasury outside the general revenue fund. The fund is to be composed of: 1) money deposited to the credit of the account under Section 251.004, Insurance Code; 2) money directly appropriated to the TWDB Board; and 3) money from gifts or grants from the United States government, local or regional governments, private sources, or other sources. S.B. 1436 provides that the Floodplain Management Account shall be administered by the TWDB in accordance with the section; that the TWDB Board may use the account to fund the performance of the TWDB's functions under Section 16.316; and the TWDB may invest, reinvest, and direct the investment of any available money in the account as provided by law for the investment of money under Section 404.024, Government Code.

S.B. 1436 makes minor modifications to Section 5.013 (a), Water Code, and Section 6.012 (a), Water Code, as required to transfer administration of the National Flood Insurance Program from the responsibility of the Texas Commission on Environmental Quality to the TWDB and minor modifications to Section 16.314, Section 16.315, Section 16.316, Section 16.317 and Section 16.318 to reflect this change of responsibilities to the TWDB Board by replacing "commission" with "board" where necessary, or "director" with "administrator".

Lastly, specific TWDB functions in administering the National Flood Insurance Program are identified in Section 16.316, Water Code. Adds additional activities for TWDB as follows: encourage the Federal Emergency Management Agency to evaluate flood-prone areas by river basin and river system; coordinate the use of federal, state, and local grant money; make floodplain maps/information accessible to the public in an electronic format through the board's Internet website; and maintaining at least one staff member in each of the board's field offices to encourage participation in the National Flood Insurance Program through education and outreach, and coordinating the floodplain management efforts of political subdivisions.

S.B. 1436 also creates the Spatial Reference Center (to be created and operated by the Texas A&M University Board of Regents at Texas A&M University-Corpus Christi) for the purpose of conducting basic and applied research regarding elevation and geodetic and related data. Adds language to Section 16.315 of the Water Code allowing communities to adopt local rules and/or ordinances to manage their floodplain which are more stringent than the minimal standards stipulated by the Federal National Flood Insurance Program, and also provides language which allows for the enforcement of local floodplain ordinances as well as the local imposition of financial penalties. Adds language to Section 6.012, Water Code, that the general responsibility for the Texas Water Development Board, in addition to development of the State Water Plan, now includes the implementation of the State Water Plan.

The bill only takes effect if the 80th Legislature appropriates at least \$6.1 million to the TWDB for the state fiscal biennium beginning September 1, 2007, specifically for the purpose of administering the National Flood Insurance Program (contained in H.B. 1, Article IX, Section 19.102).

Senate Bill 1604	
AUTHOR:	Sen. Duncan, Robert
SPONSOR:	Rep. Bonnen, Dennis
CAPTION:	<i>Relating to responsibilities of certain state agencies concerning radioactive substances; imposing fees and surcharges; providing administrative and civil penalties.</i>
CATEGORY:	Groundwater Conservation District/Groundwater Issues
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Edward S. Angle

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

This act amends and updates various sections of the Health and Safety Code.

References to previously outdated agency names throughout the Code are corrected to reflect the correct names. The Texas Board of Health is changed to Health and Human Services Commission and the Texas Natural Resource Conservation Commission is changed to Texas Commission on Environmental Quality.

The Texas Commission on Environmental Quality is required to consult with the TWDB, the State Soil and Water Conservation Board, and the Bureau of Economic Geology when the Texas Commission on Environmental Quality develops criteria to determine site suitability.

Licensed disposers of radioactive material are required to remit 10 percent of their gross receipts each quarter. Eight percent goes to the general revenue fund and two percent goes to the host county.

Section 1 - Amends Section 401.003 Health and Safety Code, Subdivisions (2), (4), (5), (6) and adds (12-a). References to state agencies are updated (TWDB Board and Commission). Subdivision (12a) defines Gross Receipts as including all receipts from the entity's disposal operations in Texas licensed under this chapter including any bonus, commission, or similar payment received by the entity from a customer, contractor, subcontractor, or other person doing business with the entity or affiliated members, owners, shareholders, or limited or general partners. This term does not include receipts from the entity's operations in Texas for capital reimbursements, bona fide storage and processing, and federal or state taxes or fees on waste received uniquely required to meet the specifications of a license or contract.

Section 2 - Amends Section 401.011, Health and Safety Code, Subsection (a) by excluding and Subchapters E, F, G, and K, from jurisdiction by the Texas Radiation Control Agency, Subsection (b) to state that the Commission has jurisdiction over disposal, processing or storage of low-level radioactive waste and sites for disposal of low-level radioactive waste, by-product material or naturally occurring radioactive material.

Section 3 - Amends Section 401.104, Health and Safety Code, Subsection (b) by removing language that excluded the commission from licensing disposal of by-product material (which was under the jurisdiction of the Department of State Health Services) and adds Subsection (f) which authorizes the Commission to storage and processing licenses to sites licensed for disposal as well.

Section 4 - Amends Section 410.106, Health and Safety Code, Subsection (a) to include the Texas Commission on Environmental Quality. This subsection allows the Commission and the Board to exempt a use or user from licensing required by this chapter if the source or kind of radiation poses no significant risk to the public or environment.

Section 5 - Amends Section 410.108 Health and Safety Code adding posting security acceptable to the commission, and removes language referencing the Board, adds language: requiring that the license holder update the security posted, and specifying the Commission's review interval not to exceed five years.

Section 6 - Amends Section 401.109 Health and Safety Code, Subsection (b) by: removing reference to the Department; changing low-level radioactive waste to "radioactive substances;" and change the "Agency" to the "Commission."

Section 7 - Amends Section 401.111 that only the Commission (the Health and Human Services Commission is removed) shall adopt rules for new sites for disposal of radioactive substances, requires Texas Commission on Environmental Quality to consult with the Texas Water Development Board, the State Soil and Water Conservation Board and the Bureau of Economic Geology and other appropriate agencies in developing proposed rules.

Section 8 - Amends Section 410.112 Health and Safety Code, by removing all references to other agencies such that the Commission is solely responsible for Low-Level Radioactive Waste Processing or Disposal License Application and Considerations.

Section 9 - Amends Section 401.113 Health and Safety Code by removing all reference to other agencies and replacing it with "Commission."

Section 10 - Amends Section 401.114 Health and Safety Code by removing all reference to other agencies and replacing it with "Commission."

Section 11 - Amends Section 401.117 Health and Safety Code by removing all reference to other agencies and replacing it with "Commission."

Section 12 - Amends Section 401.202, Subsection (a) Health and Safety Code by removing "department" so that the commission is solely responsible granting or revoking licenses for disposal of low-level radioactive waste.

Section 13 - Amends Section 401.262, Health and Safety Code by replacing "Department" with "Commission" (making the Commission solely responsible for the management of processing and disposal).

Section 14 - Amends Section 401.2625 Health and Safety Code by replacing "commissioner" with "commission" and including the words "for storage processing or" (making the commission the sole authority to grant or deny licenses for source material recovery, processing, storage, processing or disposal of by-product material).

Section 15 - Amends Section 401.263, Subsections (a), and (c) through (f) Health and Safety Code, by replacing "department" with "commission" (these subsections require the commission to prepare or have prepared and environmental analysis of if it is determined that the licensed activity will have a significant impact on human environment and stipulate posting the analysis for a public comment).

Section 16 - Amends Section 401.264 Subsections (a), (c) and (d) Health and Safety Code, by replacing "department" with "commission."

Section 17 - Amends Section 401.265 Health and Safety Code, by replacing "department" and "board" with "commission" and "material" with "substance."

Section 18 - Amends Section 401.266 Health and Safety Code, by replacing "board" and/or the department by with "commission."

Section 19 - Amends Section 401.267 Health and Safety Code, by replacing "department" with "commission."

Section 20 - Amends Section 401.269 Health and Safety Code, by replacing "department" with "commission."

Section 21 - Amends Section 401.270, Subsections (a), (b), (e), and (f) Health and Safety Code, "department" with "commission."

Section 22 - Amends Subchapter G, Chapter 401, Health and Safety Code, by adding: Section 401.271, which requires license holders to remit 10 percent of the gross receipts each quarter where five percent goes to the general revenue and five percent goes to the host county and Section 401.272, which allows the commission to audit license holders financial records and manifest information.

Section 23 - Amends Section 401.301, Health and Safety Code, by adding "commission" each time "department" occurs and adds: Subsection (f) which allows the commission to assess fees from the applicant to recover costs incurred for reviews and hearings on the applications.

Section 24 - Amends Section 401.302, Subsection (a) Health and Safety Code, by adding "in coordination with the commission" (this subsection allows the department and the commission to collect a fee from operators of nuclear reactors or facilities that use special nuclear material.)

Section 25 - Amends Section 401.305, Subsections (c), (e), (f), and (g), Health and Safety Code, by replacing "material" with "substance" and adding "or commission" after department each time it occurs.

Section 26 - Amends Section 401.343, Health and Safety Code, by adding "or commission" to "department" or changing "department" to "of the department or commission", and changing "material" to "substance". This section deals with the recovery of Security by the department or commission.

Section 27 - Amends the heading in Subchapter K, Chapter 401, Health and Safety Code, by removing "Natural Resources Conservation" and replacing it with "on Environmental Quality."

Section 28 - Amends Section 401.412 Subsection (a) and (b), Health and Safety Code, by removing the statement "In this subsection, 'radioactive substance' does not include by-product material as defined by Section 401.003(3)(B)." and changing Commissioner to commission.

Section 29 - Amends Section 401.413, Health and Safety Code, by removing the statement "This section does not apply to a person required to obtain a license for recovery or processing of source material or for recovery, processing, or disposal of by-product material as defined by Section 401.003(3)(B)."

Section 30 - Amends Section 401.414 Health and Safety Code, by replacing "memorandum" with "memoranda," correcting the Texas Commission on Environmental Quality's full agency name, and adding Health and Human Services Commission and Railroad Commission of Texas. This section requires that a memorandum of understanding defining their respective duties under this chapter be adopted.

Section 31 - Amends Section 361.015, Subsection (a), by adding "storage, processing, and," and Subsection (b) by adding "Except as provided by Subsection (a), the Health and Human Services Commission, acting through the Department of State Health Services or other department as designated by the executive commissioner of the Health and Human Services Commission." This section states that the commission licenses and regulates radioactive waste storage and disposal while the board and the department regulate radioactive waste activities not preempted by the Federal Government.

Section 32 - Amends Subchapter D, Chapter 27 Water Code by adding Section 27.0513.

In summary, this new section states:

(a) permits for uranium mining operations with two or more injection wells will be subject to public notice requirements;

(b) the term for the permit will 10 years; permits issued before September 1, 2007 must submit for renewal by September 2012, permits issued before September 1, 2007 will expire on September 2012, holders of expired permits are still obligated to restore groundwater and plug abandon wells;

(c) a permit holder can get authorization to conduct mining and restoration within the boundary of the permit, the commission will establish technical requirements for restoration;

(d) applications submitted after September 1, 2007 will be uncontested unless the authorization seeks to amend a restoration table value, the initial establishment of monitoring wells (unless the executive director uses the recommendation of a third party expert) or an amendment to the type or amount of bond required for groundwater restoration by a third part contractor;

(e) the executive director may use an independent, third party expert based on three criteria: the expert meets the qualifications set by the commission, the applicant agrees to pay for the work by the expert, and if the applicant is not involved in the selection of the expert or the direction of their work; and

(f) an application seeking approval under subsection (d) is subject to public notice and contested hearing.

Section 33 - Discusses the actions to occur on the effective date of this Act. All rights, powers, obligations, functions and activities are to be transferred to the commission as listed in the changes in this Act.

Section 34 - States this Act does not impair delay or affect applications filed before January 1, 2007 with the commission; those applications are given priority over subsequent applications, and a list of priorities is included.

Section 35 - States that applicants will assist the commission to meet deadlines imposed by Chapter 401 by submitting required information in a timely manner. All deadlines are made based on this assumption.

Section 36 - States that this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.

If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.

Senate Bill 1761	
AUTHOR:	Sen. Uresti, Carlos
SPONSOR:	Rep. Deshotel, Joe
CAPTION:	<i>Relating to the pilot program to provide health services to state employees in state office complexes.</i>
CATEGORY:	Human Resources/State Employee Issues
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Chris Adam

Expands the current pilot program created in 2005 by allowing a physician assistant to provide on-site health services at state agency building and complexes. Current law allows the Employees Retirement System of Texas to place a nurse practitioner at selected locations (state agency buildings and complexes specifically). Pilot program was to set up to help Employees Retirement System of Texas reduce healthcare costs. The program is modeled after the healthcare clinic set up in the Capitol.

Senate Bill 1762	
AUTHOR:	Sen. Shapleigh, Eliot
SPONSOR:	Rep. Guillen, Ryan
CAPTION:	<i>Relating to a study by the Texas Water Development Board regarding the impact of climate change on surface water supplies from the portion of the Rio Grande in Texas subject to the Rio Grande Compact.</i>
CATEGORY:	Regional Water Planning
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Barney Austin

This bill directs the TWDB to study the impacts of climate change on the water supplies of the Rio Grande. As part of that study, the TWDB is directed to organize a conference to hear from experts on the potential impacts of climate change on the water resources of the Rio Grande. The study and conference will also help the Far West Texas Regional Water Planning Group develop water management strategies to help deal with these potential impacts. The bill specifically directs the TWDB to consider any analyses conducted by states to the west of Texas. The conference will include representatives from water authorities, industrial customers, agricultural interests, municipalities, fishing and recreational interests, environmental advocacy groups, and academicians.

As part of their ongoing responsibilities, TWDB staff would be required to coordinate and meet with other researchers, acquire reports from other states, organize the conference and write the report. No additional FTEs are anticipated in order to complete this work. It is estimated that the conference will cost \$25,000 to host and that an additional \$5,000 will be required to publish the report.

Senate Bill 1833	
AUTHOR:	Sen. Duncan, Robert
SPONSOR:	Rep. Swinford, David
CAPTION:	<i>Relating to the administration and powers of the Canadian River Municipal Water Authority.</i>
CATEGORY:	Project Oversight/Utility Operations
EFFECTIVE:	September 1, 2007
ANALYSIS BY:	Kathleen Garrett

Section 1 - Section 5 (b), Chapter 243, Acts of the 53rd Legislature, Regular session, 1953 is being amended to include that the board of directors or board committees will be able to hold meetings by telephone conference call, videoconference call, or through communications over the Internet if it is determined to be necessary or convenient by the President or any three members. It also states that each director shall receive a fee as provided by general law for each day devoted to District business. It eliminates the wording of not more than Fifty dollars (\$50.00) for each attendance at a board meeting or for doing District business.

Section 2 - Section 13, (i) Chapter 243, is being amended to add that selling or otherwise disposing of any surplus property of any kind, real, personal, or mixed, which is not necessary to the operation of the District will be done in accordance with applicable general law for a municipality or a District created under Section 59, Article XVI, Texas Constitution. It eliminates the requirement for advertisement and competitive bid for anything in excess of one thousand dollars. Section 13, (p) Chapter 243, is being amended to add that if the District is sued in its corporate name and prevails in a lawsuit against a person or governmental entity entitled to recover attorney's fees, costs for expert witnesses, or any other related costs, the District is entitled to recover those costs and fees according to the same terms that would have governed recovery for the other person or governmental entity if the District did not prevail.

Section 3 - Section 14, Chapter 243, is being amended to add that the District may negotiate, enter, and modify a contract in accordance with general law applicable to a municipality or to a District created under Section 59, Article XVI, Texas Constitution. It is eliminating the notice requirement for a contract with an expenditure of more than twenty five thousand dollars (\$25,000) and how it would be noticed and published. Prior published notice is no longer required before executing the contract.

Section 5 - Section 14, Chapter 243, as amended by this Act applies only to a contract entered into on or after the effective date of this Act. A contract entered into before that date is governed by the law in effect on that date of the contract, and that law is continued in effect for that purpose.

Senate Bill 1950	
AUTHOR:	Sen. Duncan, Robert
SPONSOR:	Rep. Hardcastle, Rick
CAPTION:	<i>Relating to the name, governing body, and boundaries of the Tri-County Groundwater Conservation District.</i>
CATEGORY:	Groundwater Conservation District/Groundwater Issues
EFFECTIVE:	May 23, 2007
ANALYSIS BY:	Chris Adams

Section 1 - Amends Section 1(a), Chapter 1331, Acts of the 76th Legislature, Regular Session, 1999, to delete existing text creating the Tri-County Groundwater Conservation District.

Section 2 - Amends Section 2(a), Chapter 1331, Acts of the 76th Legislature, Regular Session, 1999, to delete existing text providing that the boundaries of the Tri-County Groundwater Conservation District are coextensive with the boundaries of Foard, Hardeman, and Wilbarger counties.

Section 3 - Amends Section 2, Chapter 1352, Acts of the 77th Legislature, Regular Session, 2001, to redefine "district."

Section 4 - Amends Section 3, Chapter 1352, Acts of the 77th Legislature, Regular Session, 2001, as follows: Sec. 3. Boundaries (a) Creates this subsection from existing text. Provides that the boundaries of the Gateway Groundwater Conservation District (district) are coextensive with the boundaries of Foard and Hardeman counties, rather than Foard, Hardeman, and Wilbarger counties. (b) Authorizes the district to add territory to the district as provided by Chapter 36 (Groundwater Conservation Districts), Water Code.

Section 5 - Amends Section 4(a), Chapter 1352, Acts of the 77th Legislature, Regular Session, 2001, to delete existing text providing that this Act prevails over any provision of general law that is in conflict or inconsistent with this Act, including any provision of Chapter 1331, Acts of the 76th Legislature, Regular Session, 1999 (Senate Bill No. 1911).

Section 6 - Amends Section 5(a), Chapter 1352, Acts of the 77th Legislature, Regular Session, 2001, to provide that the district is governed by a board of directors, rather than six directors, in the manner provided by Section 36.051, Water Code.

Section 7 - Amends Section 7(a), Chapter 1352, Acts of the 77th Legislature, Regular Session, 2001, to require the commissioners court of each county in the district to appoint an equal number of directors, rather than two directors.

Section 8 - Repealer: Part 12 (Tri-County Groundwater Conservation District), Chapter 966, Acts of the 77th Legislature, Regular Session, 2001, and Sections 1 (Ratification of Creation), 4(b) (relating to prevailing provisions over a conflicting or an inconsistent provision), 5(b) (relating to the service term of initial directors), 6 (Appointment and Terms if Initial Directors), 7(b) (relating to appointment of directors if the district consists of two counties) and (c) (relating to appointment of directors if the district consists of one county), and 8 (Confirmation Elections), Chapter 1352, Acts of the 77th Legislature, Regular Session, 2001.

Section 9 - Requires the board of directors of the district to hold an election under Section 36.328, Water Code, to annex territory to the district. Provides certain conditions if a majority of voters in the territory to be annexed vote in favor of the proposition.

Section 10 - Provides that the legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313 (Notice for Local and Special Laws), Government Code. (b) Provides that the governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality. (c) Provides that Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives within the required time. (d) Provides that all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

Senate Bill 1983	
AUTHOR:	Sen. Estes, Craig
SPONSOR:	Rep. King, Phil
CAPTION:	<i>Relating to the creation of the Upper Trinity Groundwater Conservation District; providing authority to issue bonds.</i>
CATEGORY:	Groundwater Conservation District/Groundwater Issues
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Rima Petrossian

Relating to the creation, administration, powers, duties, operations and financing of the Upper Trinity Groundwater Conservation District.

This bill creates the Upper Trinity Groundwater Conservation District, consisting of Hood, Montague, Parker, and Wise counties, which may not tax but may impose specified fees and may require exempt wells to comply with spacing regulations.

Section 1 - Provides for the formation of the Upper Trinity Groundwater Conservation District in Hood, Montague, Parker, and Wise counties; requires district confirmation before September 1, 2009. Specifies definitions, director terms, Chapter 36 powers, exempts existing wells from spacing requirements; waives sovereign immunity for a government, governmental subdivision, or agency; allows the district control over storing groundwater on the surface; requires exempt wells to register the wells and report the total amount withdrawn; specifies rulemaking and fee assessment authority; states that the district may not impose a tax.

Section 2 - Provides proper and legal notice of the intention to introduce the Act.

Section 3 - States that the Act takes effect immediately if it receives a vote of two-thirds or, if not, the Act takes effect on September 1, 2007. If the creation of the district is not confirmed before September 1, 2009, this Act expires on September 1, 2012.

Senate Bill 1985	
AUTHOR:	Sen. Averitt, Kip
SPONSOR:	Rep. Dunnam, Jim
CAPTION:	<i>Relating to the creation of the McLennan County Groundwater Conservation District; providing authority to impose a tax and issue bonds.</i>
CATEGORY:	Groundwater Conservation District/Groundwater Issues
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Rima Petrossian

Section 1 - Amends Subtitle H, Title 6, Special District Local Laws Code, by adding Chapter 8821, McLennan County Groundwater Conservation District which includes the following:

- authority is under Chapter 36 and Section 59.
- states that the district must hold a confirmation election before September 1, 2012, or it will be dissolved.
- district boundaries are coextensive with McLennan County but must include at least one additional adjacent county by 2011 or it is subject to dissolution by the Texas Commission on Environmental Quality.
- specifies directors' directives and parameters.
- specifies permitting and well registration requirements.
- states that the district does not have the power of eminent domain.
- states that the district is allowed to assess fees and accept grants.
- specifies dissolution parameters.

Section 2 - Notes that the legal requirements have been followed and done in a timely manner.

Section 3 - States that the Act takes effect immediately if it receives a vote of two-thirds or, if not, the Act takes effect September 1, 2007.

Senate Bill 2029	
AUTHOR:	Sen. Zaffirini, Judith
SPONSOR:	Rep. Garcia, Juan
CAPTION:	<i>Relating to the election of directors of the San Patricio County Groundwater Conservation District and to the validation of certain acts of the district.</i>
CATEGORY:	Groundwater Conservation District/Groundwater Issues
EFFECTIVE:	June 15, 2007
ANALYSIS BY:	Rima Petrossian

This bill specifies the precincts of the directors and that any existing acts, proceedings, elections, or appointments are validated and confirmed. It provides for the precinct method of electing the board of directors and it supports all action of the district prior to this legislation as if they had been authorized legally except for litigation outcomes held invalid by judgment of a court.

SENATE JOINT RESOLUTION 20	
AUTHOR:	Sen. Lucio, Jr., Eddie
SPONSOR:	Rep. Lucio III, Eddie
CAPTION:	<i>Proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board to provide assistance to economically distressed areas.</i>
CATEGORY:	Financial Assistance/Economically Distressed Areas
EFFECTIVE:	November 6, 2007 (If approved by Texas Voters)
ANALYSIS BY:	Tom Tagliabue

S.J.R. 20 amends Article III of the Texas Constitution by authorizing the TWDB to issue additional general obligation bonds, at its determination, for the economically distressed areas program account of the TWDB Fund II, in an amount not to exceed \$250 million. The Resolution requires the bonds be used to provide financial assistance to economically distressed areas of the state as defined by law. The Resolution provides that Section 49-d-8(e) of this article applies to the bonds authorized by this Resolution.

S.B. 2, 71st Legislature, Regular Session, 1989, established the Economically Distressed Area Program which provided financial assistance in the form of grants and loans for water and wastewater service to economically distressed areas. This bill designated the TWDB as the administrator of Economically Distressed Area Program. H.B. 467, 79th Legislature, Regular Session, 2005, expanded Economically Distressed Area Program, essentially on a statewide basis, by allowing counties in which an economically distressed area exists to apply for assistance under Economically Distressed Area Program. TWDB has reported that there is an estimated \$5.4 billion in water and wastewater needs in economically distressed communities of this state. Economically Distressed Area Program was originally financed in the early 1990s through voter-approved constitutional amendments that authorized the TWDB to issue up to \$250 million in general obligation bonds. Now, only a fraction of the bonds remain to address the outstanding water and wastewater needs of distressed communities.

ROADMAPS TO IMPLEMENTATION

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HOUSE BILL 1
FINANCIAL ASSISTANCE/ECONOMICALLY DISTRESSED AREAS
ECONOMICALLY DISTRESSED AREAS PROGRAM (EDAP) CLOSEOUT

Bill Provisions	Date	Resources (Budget, Staffing, External Input)	Rules, Policies, Amendments, Board Actions	Stakeholder Process	Reports/Outcomes
Appropriations for administration of final close out of projects funded from existing Economically Distressed Areas Program funds	Sept 2007	Additional resources for Staff - 16 total, 10 funded from Colonia Wastewater Treatment Assistance Program - to provide tech assistance, training, coordination, and project review	Hiring process		Additional staff
Appropriations to support issuance of final \$12 million in Economically Distressed Areas Program General Obligation bonds	Sept 2007 Summer 2008	Allocate resources Office of General Counsel and Office of Project Finance & Construction Assistance staff	Budget reallocation to staff doing tasks Board authorize working on bond documents & preparing for bond sale		
	By Sept. 1, 2008		Sell bonds (\$12 million)		
	Fall 2008		Close bonds		Money for projects
	Fall 2008/ Spring 2009		Commitments		2 new projects

**HOUSE BILL 1
APPROPRIATIONS/FINANCE (STATE WATER PLAN)**

Bill Provisions	Date	Resources (Budget, Staffing, External Input)	Rules, Policies, Amendments, Board Actions	Stakeholder Process	Reports/ Outcomes
<p>H.B. 1- Article 6 Appropriations to support issuance of General Obligation bonds for: •Water Infrastructure Fund (WIF),</p> <ul style="list-style-type: none"> •State Participation (SP), and •EDAP for Water Plan projects. <p>Amend rules in Chapter 363 to allocate certain dollars for water plan and amend Chapter 382 to define different financing options and priority of need</p>	June 13-30, 2007	Determine team members and resources			Resources identified and allocated
	June 13-30, 2007	Shift existing resources for FY07	Budget reallocation to staff doing tasks		Agency Reserve Request for additional General Revenue (<i>if necessary</i>)
	June 13-30, 2007	Management time	Develop expectations. Train team in expectations		Roadmap for rules and expectations
	July 1, 2007	Assign Task team for rules	Amend TW/DB Chapter 382 (WIF) and Chapter 363 Sub J (SP) rules. Priority for conservation being handled in S.B. 3		Start draft of rules to define financing options and priority of need
	August 1-31 (no later than 31), 2007	Shift Office of General Counsel resources for writing rules	Draft of 382 and 363 Sub J rules (WIF and SP)	Draft rules for stakeholders	Draft of rules to send to stakeholders
	By mid Sept. 2007	Use existing General Revenue (will have new resources available)		Stakeholder meeting	Input on draft rules
	Start by mid Sept. 2007	Task team	Train marketing staff		Begin develop Marketing program
	Sept. 24, 2007		Board action	Authorize work on bond sale for WIF & SP water plan	Start bond documents
	Sept. 24, 2007		Board action	Authorization to proposed rules	Publish rules
	Sept. 2007	Program Specialist (additional staff)	Develop procedures	Develop procedures	Procedures and road map based on rules
	Sept. 24, 2007		Board Action	Policy on new applications	After Dec 1, new applications under new rules
	October 2007	Marketing staff	Develop marketing material		One pagers
	Dec. 3, 2007		Board Action	Adopt Chapters 382 and 363 Sub J rules	Rule adoption
	Dec. 3, 2007	Application review staff (additional staff)			Receive and review applications
	Dec. 3, 2007		Board Action	Board Action	Adopt bond resolution
Jan. 2008		Authorize bond sale			
Feb. 2008		Sell bonds--Board commitments			
2008/2009		Close bonds			Money for projects
		Commitments			55 new projects

**HOUSE BILL 1
FINANCIAL ASSISTANCE/ECONOMICALLY DISTRESSED AREAS (COLONIA SELF-HELP PROGRAM)**

Bill Provisions	Date	Resources (Budget, Staffing, External Input)	Rules, Policies, Amendments, Board Actions	Stakeholder Process	Reports/ Outcomes
Appropriations and Staff for Colonia Self Help Program	Sept. 2007	New money for projects	No action needed		Accept applications
	Sept. 2007	Resources for additional staff (1.5 employees) to provide tech assistance, training and coordination	Hiring process begins		Hire new staff
	Future		Identify and solicit additional potential non-profit sponsors for Colonia Self-Help Program	Stakeholder meeting	Additional non-profit sponsors
	2008/ 2009		commitments		10 new projects

**HOUSE BILL 1
FINANCIAL ASSISTANCE/ECONOMICALLY DISTRESSED AREAS**

Bill Provisions	Date	Resources (Budget, Staffing, External Input)	Rules, Policies, Amendments, Board Actions	Stakeholder Process	Reports/ Outcomes
Funding for Boeye Reservoir and La Joya Special Utility District	July 17, 2007	Office of Chief Financial Officer	Funding for Boeye Reservoir (Article VI, Rider #19) and La Joya Special Utility District (Article IX, Sec. 19.89) Part of budget process; amounts will be budgeted as they are committed.	Office of Chief Financial Officer and Office of Project Finance & Construction Assistance met with City of McAllen Public Utility Board on July 19, 2007	

**HOUSE BILLS 957, 1237, 1268 & 1297
HUMAN RESOURCES/STATE EMPLOYEE ISSUES**

Date	Bill Provisions	Resources (Budget, Staffing, External Input)	Rules, Policies, Amendments, Board Actions	Stakeholder Process	Reports/ Outcomes
9/1/07	<p>H.B. 957 Automatic participation by state employees in a 401(k) plan unless the employee affirmatively elects not to participate in the plan.</p> <p>Employees will make a contribution of one percent of the compensation earned by the employee to a default investment product. The contribution is made by automatic payroll deduction.</p> <p>This provision applies only to an officer or employee of a state agency who initially takes office or begins employment on or after January 1, 2008.</p>	<p>No additional resources required to implement.</p> <p>Human Resources will incorporate the provisions of this legislation into the New Employee Orientation Process.</p>	<p>State agencies participating in a 401(k) plan shall maintain a record of a new hire's acknowledgement of receipt of information regarding the ability to opt-out of enrollment in a 401(k) plan.</p>	<p>New Employee Orientation</p>	<p>Human Resources will develop a form for New Employees to review and sign indicating they have been informed of this provision.</p> <p>Human Resources will also update appropriate policies accordingly.</p>
9/1/07	<p>H.B. 1237 Provides that personal information by those licensed to practice law in this state may be deemed confidential if the person chooses to restrict public access to the information, and notifies the State Bar of Texas in writing or electronically, on a form provided by the state bar.</p> <p>Such choice remains valid until rescinded in writing or electronically by the person.</p>	<p>No additional resources required to implement.</p> <p>Human Resources will incorporate the provisions of this legislation into the New Employee Orientation Process.</p>		<p>New Employee Orientation for attorneys.</p>	<p>Human Resources will add the State Bar form to the New Employee Orientation Packet for new attorneys.</p> <p>Human Resources will also update appropriate policies accordingly.</p>
9/1/07	<p>H.B. 1268 A governmental contract (a contract awarded by a governmental entity for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment) may not provide for the award of attorney's fees to the governmental entity in a dispute in which the entity prevails unless the contract provides for the award of attorney's fees to each other party to the contract if that party prevails in the dispute.</p>	<p>No additional resources required to implement.</p>	<p>Legal to review and provide guidance to contract managers and provide recommendations to Contract Division for updating agency contracting policies to ensure compliance.</p>		
Effective 9/1/07	<p>H.B. 1297 Establishes a State Employee Wellness Program.</p>	<p>No additional staff required to implement.</p>	<p>Executive Administrator will designate an agency Wellness Liaison and establish a wellness council by 9/1/07.</p>	<p>Staff education on Agency's Wellness Program during New Employee Orientation.</p>	

Date	Bill Provisions	Resources (Budget, Staffing, External Input)	Rules, Policies, Amendments, Board Actions	Stakeholder Process	Reports/ Outcomes
<p>Department of State Health Services required to adopt rules not later than January 1, 2008.</p>	<p>The Department of State Health Services will designate a statewide wellness coordinator to create and develop for use by state agencies a model statewide wellness program to improve the health and wellness of state employees.</p> <p>Requires state agencies to designate an employee to serve as the wellness liaison between the agency and the statewide wellness coordinator.</p> <p>State agencies may facilitate the development of a wellness council composed of employees and managers of the agency to promote worksite wellness in the agency. The Department of State Health Services may provide technical and financial support to Wellness Councils if funds are available.</p> <p>A state agency may: (1) allow each employee 30 minutes during normal working hours for exercise three times each week; (2) allow all employees to attend on-site wellness seminars when offered; and (3) provide eight hours of additional leave time each year to an employee who: (A) receives a physical examination; and (B) completes either an online health risk assessment tool provided by the Wellness Advisory Board or a similar health risk assessment conducted in person by a worksite wellness coordinator.</p>		<p>The Wellness Liaison will develop policies to administer the agency's Wellness Program in accordance with the rules adopted by the Department of State Health Services by April 2008.</p>		

**HOUSE BILLS 590, 2564, 2839 & 3560; SENATE BILLS 175, 592, 616, 781 & 1306
ETHICS/LEGAL ISSUES**

**PUBLIC INFORMATION/OPEN RECORDS
PROJECT OVERSIGHT/UTILITY OPERATIONS**

Date	Bill Provisions	Resources (Budget, Staffing, External Input)	Rules, Policies, Amendments, Board Actions	Stakeholder Process	Reports/ Outcomes
9/1/2007	H.B. 590 This law requires state agencies to update and distribute their ethics policy. The law makes a violation of the ethics policy a cause for termination or other sanction. The Office of Attorney General is required to develop a model policy by November 1, 2007.	No additional agency resources required to revise the TWDB's ethics policy. Implementation requires coordination between Office of General Counsel and Human Resources.	TWDB is required to adopt an ethics policy that is consistent with the Texas Ethics Commission standards of conduct. TWDB must adopt and distribute the policy by January 1, 2008.	All employees and Board Members will receive a copy of the revised ethics policy.	Revised TWDB ethics policy to conform to changes in H.B. 590. Policy to be distributed to all employees and Board Members.
9/1/2007	H.B. 2564 This law allows, but does not require, state agencies to set a reasonable limit of at least 36 hours per fiscal year on the amount of time its personnel spend responding to a public information act request. An agency may charge a fee if the time limit required for information production is exceeded.	No additional agency resources are required to update any internal procedures relating to a public information act request.	TWDB may, but is not required to, adopt a limit on the amount of time the agency spends responding to public information requests from the same person in one fiscal year. If the agency receives repeated requests from the same individual that exceed the established limit, then the agency notifies the requestor, who must affirmatively agree to pay the estimated costs or the request for information is withdrawn.	The Executive Administrator determines whether TWDB should adopt a limit. Office of General Counsel drafts policy.	Possible TWDB policy relating to charging for production of public information.
9/1/2007	H.B. 2839 A person appointed as a salaried state officer of an officer of a major state agency shall file a financial statement by the 30 th after the date of his appointment.	No additional agency resources are required to provide this information to affected agency employees and Board Members.	This law does not require any rules, amendments, policies, or Board actions.	Certain TWDB employees and new Board Members.	Provide memo to affected persons; update Board Member training manual.
9/1/2007	H.B. 3560 This law transfers all state procurement to the Comptroller and creates the Texas Facilities Commission to handle all state buildings and facilities in Travis County and some other locations. The law amends the Historically Underutilized Business statute and requires agencies to adopt Historically Underutilized Business goals and makes compliance with those goals a key performance measure. The law also adds new categories of preferred vendors.	No additional resources are required to comply with the changes in the Historically Underutilized Business program or the purchasing preferences.	POLICY: TWDB is required to establish HUB goals based on scheduled fiscal year expenditures and availability of Historically Underutilized Businesses in each procurement category used by the TWDB. Compliance with Historically Underutilized Business goals will be subject to audit by the state auditor. <u>Key Performance Measure</u> Compliance with TWDB's Historically Underutilized Business goals is now considered a key performance measure for the LAR process.	Performance Measures Managers, Purchasing, Historically Underutilized Business Coordinator, Budget	Awaiting release of Disparity Study Update and new Comptroller rules relating to Historically Underutilized Business program. Will monitor and advise affected persons.

Date	Bill Provisions	Resources (Budget, Staffing, External Input)	Rules, Policies, Amendments, Board Actions	Stakeholder Process	Reports/ Outcomes
	S.B. 175 This law clarifies that the time lines under the public information act refer to "business days."	TWDB's public information officer and attorneys.	This law does not require any rule, amendment, policy or Board action.	N/A	Provide memo to affected persons. I.K. Hansen Ed Wesley
	S.B. 592 This law requires agencies to provide notice to news media when the Board holds an emergency meeting or adds an emergency item to the agenda...	Communications Office, Executive, and attorneys.	This law does not require any rule, amendment, policy or Board action.	N/A	Provide memo to affected persons. I.K. Hansen Ed Wesley
	S.B. 616 This law authorizes the Executive Administrator, with the approval of the Board to acquire and register patents, copyrights and trademarks and to contract with or license others to use Board patents, copyrights and trademarks with or without compensation.	Executive, Texas Natural Resources Information Systems, Research & Planning and attorneys.	This law does not require any rule, amendment, policy, or Board actions.	N/A	None at this time.
	S.B. 781 This law allows the issuance of an injunction as a remedy available to a person who sues a subdiviver for the failure to supply water and sewer services in economically distressed areas.	None. This law does not affect TWDB programs.	This law does not require any rule, amendment, policy or action by the Board	N/A	None.
Effective 5/22/2007	S.B. 1306 This law amends the definition of "meeting" under the Open Meetings Act to allow a quorum of the Board to attend press conferences and ceremonial events without being considered a violation of the Act.	Executive, Board Members, and attorneys.	This law does not require any rule, amendment, policy or action by the Board.	N/A	Provide memo to Board Members about the effect of this bill. I.K. Hansen Ed Wesley

**HOUSE BILLS 1456 & 3430
PROJECT OVERSIGHT/UTILITY OPERATIONS
INFORMATION RESOURCES/TECHNOLOGY ISSUES**

Date	Bill Provisions	Resources (Budget, Staffing, External Input)	Rules, Policies, Amendments, Board Actions	Stakeholder Process	Reports/ Outcomes
7/17/07	H.B. 1456 - Relating to the requirements for filing an annual financial statement by a municipality.	Office of Chief Financial Officer/Resources Information Office	Need to update Financial Information Systems to reflect change in annual financial statement filings by municipalities. Ernesto Briones to provide information.		Financial Information Systems has been updated (July 6, 2007) for first request letter. Working on second request letter.
7/17/07	H.B. 3430 - Relating to the availability of information about state expenditures and rules, including the creation of a state database containing information on state expenditures, and to certain comptroller reports, and to certain amounts received by institutions of higher education.	Office of Chief Financial Officer/Resources Information Office	Requires state agencies to post state expenditures and budgets on-line. Effective October 1, 2007; no action required prior to Comptroller establishing information for link		

**HOUSE BILLS 1498, 2070, 2072, 3995, 4028, 4029, 4032 & 4114; SENATE BILLS 662, 1604, 1983 & 1985
GROUNDWATER CONSERVATION DISTRICTS/GROUNDWATER ISSUES**

Bill Provisions	Resources (Budget, Staffing, External Input)	Rules, Policies, Amendments, Board Actions	Stakeholder Process	Reports/Outcomes
H.B. 1498	None	<p>Relating to the creation of the Panola County Groundwater Conservation District; providing authority to impose a tax and issue bonds. This bill creates the Panola County Groundwater Conservation District, subject to approval at a confirmation election, to manage, monitor, and conserve Panola County's groundwater resources. The latest due date for the management plan is December 31, 2011.</p> <p>No Board action required.</p>	None	Review and approval of district groundwater management plan.
H.B. 2070	None	<p>Relating to the confirmation election of the Duval County Groundwater Conservation District. SECTION 1. Amends Section 8808.003, Special District Local Laws Code, as follows:</p> <p>Sec. 8808.003. CONFIRMATION ELECTION REQUIRED. Provides that this chapter expires on September 1, 2012, rather than 2010, if the creation of the Duval County Groundwater Conservation District is not confirmed at a confirmation election held before September 1, 2009, rather than 2007.</p> <p>SECTION 2. Amends Section 8808.023, Special District Local Laws Code, by adding Subsection (d), as follows: (d) Authorizes Duval County to pay for any portion of the costs incident to the district's confirmation election. The latest due date for the management plan is September 1, 2012.</p> <p>No Board action required.</p>	None	Review and approval of district groundwater management plan.
H.B. 2072	None	<p>No Board action required.</p> <p>Relating to the appointment of temporary directors and the confirmation election of the Starr County Groundwater Conservation District. H.B. 2072 requires the temporary directors of the district to be appointed and charges those directors with holding an election to confirm the creation of the district. This bill authorizes Starr County to pay the expenses of the district's confirmation election. The latest due date for the management plan is August 31, 2012.</p> <p>No Board action required.</p>	None	Review and approval of district groundwater management plan.
H.B. 3995	None	<p>Relating to the name, administration, powers, and duties of the Collingsworth County Underground Water Conservation District. This bill authorizes the district to change its name and sets the number of single-member districts allowed in the district. Makes certain other changes regarding the duties and functions of the district.</p> <p>No Board action required.</p>	None	Review and approval of district groundwater management plan.

Bill Provisions	Resources (Budget, Staffing, External Input)	Rules, Policies, Amendments, Board Actions	Stakeholder Process	Reports/Outcomes
H.B. 4028	None	<p>Relating to the creation of the Northern Trinity Groundwater Conservation District. This bill creates the Northern Trinity Groundwater Conservation District (district) in Tarrant County. The district is a proactive response to address and ensure the protection of groundwater resources for the citizens of Tarrant County. The district encompasses the entire county. The county commissioners will appoint one director from each of the four county commissioner precincts. The county judge will appoint the fifth director. The district will be fee based and will not have authority to impose taxes, issue bonds, or exercise the power of eminent domain. The latest due date for the management plan is May 25, 2010.</p> <p>No Board action required.</p>	None	Review and approval of district groundwater management plan.
H.B. 4029	None	<p>Relating to the creation of the Lavaca County Groundwater Conservation District; providing authority to impose a tax. C.S.H.B. 4029 creates the Lavaca County Groundwater Conservation District and provides that the district must be confirmed by the voters of Lavaca County. The latest due date for the management plan is September 1, 2016.</p> <p>No Board action required.</p>	None	Review and approval of district groundwater management plan.
H.B. 4032	None	<p>Relating to the creation of the Colorado County Groundwater Conservation District; providing authority to impose a tax and issue bonds. This bill creates the Colorado City Groundwater Conservation District and provides that the district must be confirmed by voters of Colorado County. The latest due date for the management plan is August 31, 2014.</p> <p>No Board action required.</p>	None	Review and approval of district groundwater management plan.
H.B. 4114	None	<p>Relating to the powers and financing of the Brazoria County Groundwater Conservation District. This bill makes such revisions and authorizes the district to increase the maximum rate of export fees currently authorized to be imposed.</p> <p>No Board action required.</p>	None	Review and approval of district groundwater management plan.

Bill Provisions	Resources (Budget, Staffing, External Input)	Rules, Policies, Amendments, Board Actions	Stakeholder Process	Reports/Outcomes
S.B. 662	TWDB and Office of Planning staff to provide technical assistance.	<p>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.</p> <p>TWDB staff to meet with Texas Commission on Environmental Quality staff in August 2007. The Texas Commission on Environmental Quality expects draft rules to be before the Commission in February 2008 and adopted by July 2008.</p> <p>Board Actions: TWDB staff will need to work with Texas Commission on Environmental Quality on development of rules.</p>	Consultation between Texas Commission on Environmental Quality and TWDB.	New rules
S.B. 1604	TWDB Office of Planning staff to provide technical assistance	<p>Relating to responsibilities of certain state agencies concerning radioactive substances; imposing fees and surcharges; providing administrative and civil penalties.</p> <p>Board Actions: Texas Commission on Environmental Quality is required to consult with TWDB & Texas State Soil & Water Conservation Board on suitability of new disposal sites. (Section 7 of bill)</p>	Consultation between Texas Commission on Environmental Quality, TWDB, and the Texas State Soil & Water Conservation Board.	None
S.B. 1983	None	<p>Relating to the creation of the Upper Trinity Groundwater Conservation District; providing authority to issue bonds. The latest due date for the management plan is August 31, 2012.</p> <p>No Board action required.</p>	None	Review and approval of district groundwater management plan.
S.B. 1985	None	<p>Relating to the creation of the McLennan County Groundwater Conservation District; providing authority to impose a tax and issue bonds. The latest due date for the management plan is August 31, 2015.</p> <p>No Board action required.</p>	None	Review and approval of district groundwater management plan.

**HOUSE BILL 3776
REGIONAL WATER PLANNING**

Bill Provisions	Resources (Budget, Staffing, External Input)	Rules, Policies, Amendments, Board Actions	Stakeholder Process	Reports/Outcomes
SECTION 1(b)(2)	<p>\$35,000-\$40,000 in Regional Planning Funds to develop strategy Sec. 4C.33 in the Region L Plan.</p>	<p>Require Region L, in association with the Guadalupe-Blanco River Authority, to request from Board funding to develop the Lower Guadalupe Water Supply Project for Upstream Guadalupe-Blanco River Authority Needs to: include a transmission pipeline to divert 60,000 acre-feet of existing Guadalupe-Blanco River Authority water rights from below Victoria upstream to meet needs identified by Region L while reserving 100,000 acre-feet of surface water for the lower basin; prohibit use of fresh groundwater; and require property owner consent for off-channel storage or reservoir development; and require freshwater inflows sufficient to meet environmental consensus criteria for San Antonio Bay.</p> <p>This work can be including in the existing contract with Region L by modifying the scope of work. Region L's request should also contain affirmation of support for amending regional and state plan.</p>	<p>Coordination with Regional Water Planning Group (Region L), Office of the Attorney General and legislative authors/sponsors</p>	<p>Detailed evaluation of project and amended Region L 2006 Regional Water Plan to be completed by Spring 2008.</p> <p>(Note: Amendment of regional plan could eventually result in amendment of the strategy according to statutory requirements or removal of the recommended strategy.)</p>
SECTION 1(a) and (b) and (c)	<p>Existing resources</p>	<p>Board consider application in September-October 2007 timeframe.</p> <p>Summer 2008 - Board consideration of amending and approving Region L's 2006 Regional Water Plan.</p> <p>Amendment to regional water plan required to: strike descriptions the analyses of potentially feasible water management strategies and 1 recommended water management strategy relating to the Lower Guadalupe; and include a new recommended Lower Guadalupe Water Supply Project for Upstream Guadalupe-Blanco River Authority Needs.</p> <p>Board consideration of amending 2007 State Water Plan to incorporate amendment to Region L's 2006 Regional Water Plan.</p> <p>Requires 30 day public notice and public hearing, which would be held concurrently with Board meeting where state water plan amendment is considered.</p>	<p>Coordination with Regional Water Planning Group (Region L), Office of the Attorney General and legislative authors/sponsors</p>	<p>Amended regional and state water plans by Summer 2008.</p>

**SENATE BILL 3
OMNIBUS WATER BILL**

Bill Provisions	Resources (Budget, Staffing, External Input)	Rules, Policies, Amendments, Board Actions	Stakeholder Process	Reports/Outcomes
S.B. 3 Article 1 Environmental Flows Advisory Group	<p>Sec. 1.07 - TWDB Staff to Provide Technical Assistance to Basin and Bay Expert Science Team</p> <p>Sec. 1.22 - The TWDB shall provide money in the Research and Planning Fund for Grants to the Environmental Flows Science Advisory Committee and Basin and Bay Expert Science Team</p>	<p>Sec. 1.22 - Amend Chapter 355 Rules to allow the TWDB to authorize the use of money in the research and planning fund for the Environmental Flows Science Advisory Committee and the Basin and Bay Expert Science Teams.</p> <p align="center">DRAFT RULES-September 2007 RULES PROPOSED-October 2007 RULES ADOPTED-December 2007</p> <p>Sec. 1.07 - Environmental Flows Advisory Group created by Governor. One member must be a TWDB Board member. Board will provide consultation to develop schedule for development of environmental flow recommendations and adoption of flow standards for Basin and Bay systems.</p> <p>Sec. 1.07 Basin and Bay Expert Science Teams created. Board shall provide technical assistance and may serve as nonvoting member of Expert Science Teams.</p>	None	<p>Environmental Flows Advisory Group Report due to the Legislature December 2008, December 2010, December 2012, Basin and Bay Expert Science Teams submit Environmental Flow Recommendations to Advisory Group March 2009 (Trinity/San Jacinto/ Galveston and Sabine/ Neches/ Sabine Lake), Dates to be determined (other Basin and Bay systems)</p>

Bill Provisions	Resources (Budget, Staffing, External Input)	Rules, Policies, Amendments, Board Actions	Stakeholder Process	Reports/Outcomes
<p>S.B. 3 Article 2 Water Conservation and Planning and Other Water Related Provisions</p>	<p>Sec. 2.03 - 2 new employees to support the Water Conservation Advisory Council hired.</p> <p>Sec. 2.06 - 1 new employee to Review Conservation Plans hired.</p> <p>Sec. 2.18 - 2 new employees for the Statewide Water Conservation Public Awareness Program hired.</p> <p>Sec. 2.35 Allocate Water Assistance Funds for existing staff and any expenses for climate change study, conference and report. Coordinate conference and study report development with Far West Texas Regional Water Planning Group.</p>	<p>Sec. 2.03 - Creates the Water Conservation Advisory Council. The Board is required to appoint 23 members to the Council. September 2007 – Board appoints Advisory Council.</p> <p>Sec. 2.04 - Amend Rules to define Best Management Practices as those voluntary efficiency measures developed by the commission and the board that save a quantifiable amount of water, either directly or indirectly, and that can be implemented within a specified timeframe.</p> <p>Sec. 2.06 - Amend TWDB rules w/ Texas Commission on Environmental Quality to require public utility providers to submit to the TWDB Executive Administrator a Water Conservation Plan.</p> <p>Sec. 2.10 - Amend Rules, with other Chapter 355 rules, to allow grant funds to be used for water conservation.</p> <p>Sec. 2.12/2.13 - Resource Information Office to develop implementation plan for the TWDB Executive Administrator shall carry out the program for topographic and geological mapping of the state.</p> <p>Sec. 2.11, 2.16, 2.19 and 2.40 - Office of Project Finance & Construction Assistance to amend TWDB rules (Chapter 363 Sub A, Sub J and Chapter 382) providing priority to entities that have identified significant water conservation savings or will achieve significant savings from the proposed project.</p> <p>Sec. 2.14/2.15 - Amend TWDB Rules to allow Regional Water Planning Groups to expedite amendments to water plan.</p> <p>Sec. 2.18 Amend TWDB Rules to allow for potential funding of water conservation public awareness program.</p> <p>Draft Rules-September/October 2007 Adopted Rules-December 2007</p>	<p>Sec. 2.03 TWDB to send letter soliciting nominations for the Water Conservation Advisory Council</p> <p>June 2007</p> <p>Sec. 2.35 - Climate Study. TWDB will co-host conference to assist impact on surface water supplies by Spring 2008.</p>	<p>Water Conservation Advisory Council Report due to the Legislature</p> <p>December 2008</p> <p>Adopted Rules for Chapter 363 Sub A, Sub J and Chapter 382</p> <p>Climate Change Report Due to Legislature and Initiate Dialogue w/Regional Water Planning Groups</p> <p>December 2008</p>

Bill Provisions	Resources (Budget, Staffing, External Input)	Rules, Policies, Amendments, Board Actions	Stakeholder Process	Reports/ Outcomes
S.B. 3 Article 3 Construction and Operation of Reservoirs		Article 3 - Staff to review rules to see what rule revisions are necessary. September 2007		
S.B. 3 Article 4 Unique Reservoir Sites and Sites of Unique Ecological Value	TWDB staff to provide Technical Assistance to the Study Commission on Region C Water Supply Upon Request	Article 4 - Board approval of funding and contract for study (dependent on actions of Planning Groups appointing members of the study commission) Technical Assistance Upon Request September 2007 Sec. 4.04 - TWDB to amend rules for financial assistance, if necessary. Sec. 4.04 - Board approval of funding and contract for study (dependent on actions of Planning Groups appointing members of the study commission)		Article 4 - Study Commission on Region C Water Supply Report Due to the Legislature by December 2010
S.B. 3 Article 5 Legislative Joint Interim Committee on State Water Funding	TWDB to provide support to the Joint Committee on State Water Funding upon request. The Committee will meet with the TWDB Executive Administrator and the Texas Commission on Environmental Quality Executive Director on an annual basis.			The Joint Interim Committee on State Water Funding will provide a report to the Legislature by December 2008
S.B. 3 Article 6 Water Development Board (Model Subdivision Rules)	Office of General Counsel to coordinate with Office of Project Finance & Construction Assistance on drafting rules. Office of General Counsel and Office of Project Finance & Construction Assistance will process applications for temporary continuation of Economically Distressed Areas Program funding	Office of Project Finance & Construction Assistance and the Office of General Counsel to amend Ch. 363, subch. E Rules to add in a new section providing flexibility within the Economically Distressed Areas Program related to Model Subdivision Rules compliance and requests for temporary continuation of Economically Distressed Areas Program funding. Draft Rules by June 2007 Public Hearing August 7, 2007 Adopted Rules by August 2007 Board considers eligible applications for temporary continuation of Economically Distressed Areas Program funding by October 2007	Stakeholder meeting during rules amendment comment session	Revised Ch. 363, subch. E Rules Eligible Economically Distressed Areas Program applicants may be granted temporary continuation of Program funding

Bill Provisions	Resources (Budget, Staffing, External Input)	Rules, Policies, Amendments, Board Actions	Stakeholder Process	Reports/ Outcomes
S.B. 3 Article 12 Edwards Aquifer Authority	Texas A&M University will assist in the creation of a Steering Committee to oversee the development of a cooperative agreement w/various agencies, including the TWDB Identify potential funding sources for the recovery implementation plan	Article 12 August 2007 - Steering Committee appointed by Texas A&M to oversee the development of a cooperative agreement with the Edwards Aquifer Authority and various agencies, including the TWDB. TWDB to enter into a Memorandum of Agreement with the Edwards Aquifer Authority to develop a Habitat Conservation Plan. The Edwards Aquifer Authority will implement its Memorandum of Agreement with the TWDB for a Habitat Conservation Plan The Edwards Aquifer Authority's Habitat Conservation Plan will be approved and implemented		TWDB- Edwards Aquifer Authority Memorandum of Agreement September 2007 Implement Memorandum of Agreement by December 2009 Approve and Implement Edwards Aquifer Authority Habitat Conservation Plan by December 2012
S.B. 3 Article 13 Territory of Culberson County Groundwater Conservation District	Resources Information Office to update Groundwater Conservation District Map accordingly.			Updated Groundwater Conservation District Map

**SENATE BILL 1436
FLOODING (NATIONAL FLOOD INSURANCE PROGRAM)**

Date	Bill Provisions	Resources (Budget, Staffing, External Input)	Rules, Policies, Amendments, Board Actions	Stakeholder Process	Reports/Outcomes
July-Sept 2007	Transition Planning	Conduct meetings with Texas Commission on Environmental Quality (TCEQ), Federal Emergency Management Agency, local stakeholders ¹ Develop National Flood Insurance Program staffing concept and budget	Establish Transition/Implementation Team Prepare for transfer of Texas Commission on Environmental Quality employees Internal analysis of program requirements Establish National Flood Insurance Program Account Examine need for rules and Board policies Determine available match and match opportunities	Conduct forums and interviews with stakeholders (Federal Emergency Management Agency, local government associations)	Document active National Flood Insurance Program and examine program tasks and resources needed
August 2007	Required National Flood Insurance Program Component	TWDB personnel to include Map Modernization and support staff	Develop Content, Milestones, and Resource Requirements based on Federal Emergency Management Agency requirements, goals and objectives	Review of draft by Texas Floodplain Management Association & local governments	Produce Flood Map Modernization State Business Plan
Sept 1, 2007	Transfer of 2 TCEQ staff and associated resources	Office of Chief Financial Officer and Office of Planning	All National Flood Insurance Program rules, policies, forms, procedures, and decisions of Texas Commission on Environmental Quality are now in force at TWDB		Sept 1, 2007 start date
Sept 1, 2007	Hiring of new staff	Office of Planning and Resource Information Office develop budget and position classifications	Develop and Post Job Descriptions/Request staffing waivers as needed. Resolve Legislative Budget Board staffing allocations – existing vs. waiver Develop training and support materials	Advertise new TWDB positions	Hire 12 designated staff (8 in FY08, 4 additional in FY09)
October 2007	Grant Submission	Resource Information Office/Texas Natural Information Systems			Map Modernization Management Support Grant Submission
October 2007	Define mapping component	Incorporate existing project (Map Modernization Pilot Project)	Analyze unmet needs and repetitive loss Determine high-priority, high-risk areas Adopt mapping standards Develop mapping priority plan Guidelines for engineering studies	Outreach to data contributors Ascertain existing levels of knowledge re: mapping	
October 2007	Define Community Assistance Program	Workshops and training programs; technical assistance and outreach; disaster response.		Community outreach Coordinate with Federal Emergency Management Agency	

¹ Stakeholders include: Texas Floodplain Management Association, Texas Association of Counties, and Texas Association of Regional Councils.
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**SENATE JOINT RESOLUTION 20
FINANCIAL ASSISTANCE/ECONOMICALLY DISTRESSED AREAS**

Bill Provisions	Date	Resources (Budget, Staffing, External Input)	Rules, Policies, Amendments, Board Actions	Stakeholder Process	Reports/ Outcomes
Constitutional amendment to Section III of Texas Constitution to allow TWDB to issue General Obligation bonds for Economically Distressed Areas Program.	June 13-30, 2007	Determine team members and resources			Resources identified and allocated
	June 13-30, 2007	Shift existing resources for FY07	Reallocate staff to work on statewide Economically Distressed Areas Program. Budget reallocation to staff doing tasks		Agency Reserve Request for additional General Revenue (<i>if necessary</i>)
	June 13-30, 2007	Management time	Develop expectations. Train team in expectations		Roadmap for rules and expectations
Amendment must be approved by voters on November 6, 2007.	July 1, 2007	Assign Task team for rules	Amend TWDB 363 Sub E rules (Economically Distressed Areas Program) to carve out \$10million for Rural (<5000 pop), \$27million for disadvantaged water supply, and \$10million rural water supply and clean up on existing rules.		Start draft of rules
	No later than August 1-31, 2007	Shift Office of General Counsel resources for writing rules	Draft of 363 Sub E rules (Economically Distressed Areas Program)	Draft rules for stakeholders	Draft of rules to send to stakeholders
	By mid September. 2007	Use existing Economically Distressed Areas Program staff (new resources available)		Stakeholder meeting	Input on draft rules
	By mid September. 2007	Task team	Train marketing staff		Develop Marketing program
	September 24, 2007		Board action authorize work on bond sale		Start bond documents
	October 2007		Board action Authorization to proposed rules		Publish rules
	October 2007	Program Specialist (additional employee)	Develop procedures		Procedures and road map based on rules
	October 2007	Marketing staff	Develop marketing material		One pagers
	November 6, 2007		Constitutional Election		Voter Authorization
	December 3, 2007		Board Action - Adopt 363 Sub E rules		Rule adoption
December 3, 2007	Application review staff (partial additional staff)			Receive and review applications	
December 3, 2007		Board Action - Authorize bond sale		Adopt bond resolution	
January 2008		Sell bonds			
January 2008		Board commitments			
February 2008		Close bonds			
2008/2009		Commitments			Money for projects 12 new projects