

Legislative Wrap-Up

77th Legislative Session



June 2001

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General Appropriations Act

Total appropriations for the 2002-03 biennium for the State of Texas total \$113.8 billion from all fund sources, an increase of 11.6 percent from the 2000-01 biennial level. The highest increases were in Regulatory (45.9%), Health and Human Services (17.1%), and the Judiciary (12.3%). Appropriations for Natural Resources increased by 2.0% from the 2000-01 level.

The Texas Water Development Board (Board) received full funding for its requested FY2002-03 budget, including an appropriation of \$9 million to help fund the Regional Water Planning Groups for the second round of planning. The Board's current operational budget was funded from all funds at \$89,832,739 for the biennium with a Full-Time Equivalent positions (FTEs) cap of 312.5. Sufficient general revenue funds were appropriated to fund the biennial debt service for the Economically Distressed Areas Program and the State Participation Program.

Major Changes from 2000-01 Level of Funding

- A \$361,000 increase in general revenue appropriations to develop the National Hydrography Dataset layer in StratMap;
- An appropriation of \$9,000,000 in general revenue for grants to the Regional Water Planning Groups for the second round of planning;
- An appropriation of \$8,196,208 in general revenue for the state match portion of the community/non-community water system and economically disadvantaged community accounts in the Drinking Water State Revolving Fund;
- An appropriation of unexpended balances (\$3.9 million) in oil overcharge funds to be used for the Agricultural Water Conservation Loan program;
- A general revenue appropriation of \$38,355 for targeted salary increases;
- An appropriation of \$2,370,000 from various funding sources to integrate water-related data and improve data dissemination;
- An appropriation of \$214,703 out of appropriated receipts for lease payments on the purchase of a new drilling rig;
- An appropriation of \$320,000 for ground water district loan assistance; and
- An appropriation of \$2,980,105 in general revenue funding to pay debt service for \$35 million in state participation bonds to be issued in the FY 2002-03 biennium.

Riders of Note

- A new rider authorizing the Board to use \$200,000 in Research and Planning funds to provide grant assistance for flood protection costs contingent on a local match of at least 10 percent for areas which the Albuquerque District of the U.S. Army Corps of Engineers has completed a reconnaissance level of study;
- A new rider directing the use of \$275,000 in general revenue (added to the agency's base funding) for research and studies relating to aquifer recharge characteristics of the playa lakes in the High Plains;

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- A new rider authorizing a \$1 million zero-interest loan (general revenue added to the agency's base funding) to El Paso Utilities for planning and design of the Hueco Bolson Desalination Project;
- A rider for SB312 that appropriates \$1,868,274 out of the general revenue fund for grants to local governments in the North Bosque River watershed for wastewater capital improvements;
- A rider appropriating \$520,000 out of funds from the Texas Water Resources Finance Authority for loans out of the Rural Community Water and Wastewater Loan Program and for administrative expenses;
- A rider authorizing the Board to enter into interagency contracts with the Soil and Water Conservation Board for \$15 million and the Texas Department of Agriculture for \$1 million for brush control projects, to be funded through Agricultural Water Conservation bond proceeds;
- A rider for Debt Service payments that appropriates \$2,945,306 out of the general revenue fund in FY2003 for debt service payments associated with the Agricultural Water Conservation Bond proceeds used for brush control projects; and

The following riders are contingent on the Comptroller finding that sufficient revenue is estimated to be available from the general revenue fund:

- A contingency rider for SB2 appropriates \$350,000 out of the general revenue fund and one FTE for groundwater availability modeling and instream flow data work.
- A contingency rider for HB3096 appropriates \$1.7 million out of the general revenue fund for conducting feasibility studies, preparing and evaluating design alternatives, conducting permitting studies, and other costs associated with project development for the Post Reservoir.

Summary of Strategies and Method of Finance

<u>Strategy</u>	<u>FY 2002</u>	<u>FY2003</u>
A.1.1. Data Collection	\$3,890,786	\$4,061,965
A.1.2. Long-Range Water Supply Planning	8,205,996	7,538,336
A.1.3. Natural Resource Information System	2,442,732	2,481,121
A.1.4. Water Resources Information	1,170,199	1,222,538
A.2.1. Facility Planning	3,976,959	3,990,956
A.2.2. Conservation Assistance	588,149	608,500
B.1.1. Financial Assistance	10,763,339	10,043,482
B.1.2. Economically Distressed Areas	2,359,834	2,461,116
C.1.1. Central Administration	2,449,275	2,552,878
C.1.2. Information Resources	842,213	875,696
C.1.3. Other Support Services	504,197	513,760
Strategy Sub-Total	\$37,193,679	\$36,350,348
Oil Overcharge UB rider	3,914,500	UB
Water Assistance Fund UB rider	9,647,382	UB
Canadian River Chlorine Control rider	338,556	UB
Bosque River contingency rider	1,868,274	UB
Contingency rider for SB312 (Sunset)	260,000	260,000
Total	\$53,222,391	\$36,610,348
<u>Method of Finance</u>	<u>FY 2002</u>	<u>FY2003</u>
General Revenue	\$23,694,112	\$20,627,178
Earned Federal Funds	663,897	663,897
Agricultural Soil & Water Conservation Acct.	100,000	100,000
Federal Funds	3,944,032	3,998,261
Groundwater District Loan Assistance Fund	320,000	UB
Water Assistance Fund	13,230,512	3,583,130
Agricultural Trust Fund	225,425	225,425
Appropriated Receipts	7,095,229	7,377,773
Interagency Contracts	3,949,184	34,684
Method of Finance Total	\$53,222,391	\$36,610,348
Number of Full-Time Equivalent Positions (FTEs)	312.5	312.5

GAA Article IX – General Provisions

Significant Items

- Appropriated funding for a 4% or \$100 per month pay raise (whichever is greater) in FY2002 to state employees with at least 12 months of continuous state service;
- Appropriated funding for a 3% or \$65 per month pay raise (whichever is greater) for FY 2003 if sufficient revenue is certified by the Comptroller;
- Appropriated funding to cover a change in the longevity pay provisions, which awards \$20 per month for each three years of state service;
- Provides for up to a \$3,000 bonus for employees in classified positions deemed as necessary to agency operations;
- Eliminated the cap related to salary merit actions;
- Changed the limits on travel expenditures to apply only to out-of-state travel;
- Increased employee reimbursement amounts for travel expenses to \$80 per day for lodging and \$30 per day for meals; and
- Increased the per diem rate for board member reimbursement for meals and lodging to \$110 per day.

Texas Water Development Board Sunset Legislation Summary

Sets the date for the next review of the TWDB by the Sunset Advisory Commission to 2013 and every 12 years thereafter.

Provides for prohibitions and qualifications applying to members of the Texas Water Development Board appointed after September 1, 2001.

Requires that each biennium, the TWDB develop a capital spending plan, for the TWDB's state supported funding programs. The plan must identify water funding needs in the state and set forth a basis for allocating funds to address those needs. The plan must be approved by the Board and submitted to the Legislature and Legislative Budget Board by January 1st of each odd-numbered year.

The TWDB may use monies in the Water Assistance Fund for grants to projects for which federal grants or legislative appropriations are received, for that specific purpose. Grants may also be made for desalination, brush control, weather modification, regionalization and projects providing regional water quality enhancement, including regional conveyance systems.

The TWDB may release funds for pre-construction activities for a project before all water rights certification is received. This is applicable to all TWDB funding programs.

The TWDB may provide financial assistance to private entities through the Clean Water SRF for non-point source pollution abatement projects.

The Drilling Rig Program is incorporated into the Hydrographic Survey Program. The Hydrographic Survey Program is authorized to survey lakes and reservoirs constructed and owned by federal agencies or agencies of neighboring state if the information collected would benefit Texas.

TWDB will establish a pilot program, the Rural Community Water and Wastewater Loan Fund, to provide financial assistance to rural communities through loan agreements. The funding for this pilot program will be \$1.37 million from TWRFA proceeds. The Board must adopt rules to administer this program no later than March 1, 2002 and begin providing loans no later than September 1, 2002. TWDB will submit a report to the Legislature no later than January 1, 2005, on the activities of the pilot program and the expected demand for an expanded program.

The TWDB is to establish a Colonia Self-Help Program to reimburse nonprofit organizations for expenses incurred in self-help programs that provide construction, planning, platting, surveying, engineering and other related work in the provision of water or wastewater service to colonias. The program is to be co-administered with the Secretary of State's office for the 1st year of operation. Funding for the program would be through legislative appropriations; however, there were no funds appropriated this biennium for this purpose.

Allows the Executive Administrator on behalf of TNRIS, to enter into partnerships with private entities to provide additional funding for improving access to information.

State agencies that are members of Texas Geographic Information Council (TGIC) must provide information to the Council on their investments in geographic information systems (GIS) and plans for its use. TGIC will use this information to prepare a plan that inventories identified state agency GIS projects and recommended initiatives to improve the state's GIS program. The plans is to be submitted to DIR, the Governor and the Legislature no later than September 1 of each even-numbered years.

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TWDB and the State Soil and Water Conservation Board shall jointly conduct a study of ways to improve or expand water conservation efforts in the state and submit a report of the findings either as part of the State Water Plan or as a supplement to the State Water Plan.

Changes to the State Participation Loan program provides statutory authority to allow the TWDB to acquire up to 100% (changed from 50%) of any authorized facility to the extent that the Board finds that a political subdivision is willing and reasonably able to finance that portion of the cost of the facility that the TWDB does not acquire. Constitutional change for this is included in HJR 81.

Changes to the Agricultural Water Conservation Bond Program provides statutory authority to allow the TWDB to make loans and grants to political subdivisions and state agencies for agricultural water conservation programs, as provided by legislative appropriation.

Establishes a Colonia Initiatives Advisory Committee composed of seven members appointed by the Governor with the Secretary of State's Office serving as an ex officio member. The committee will review the progress of water and wastewater infrastructure projects affecting colonias managed by the TWDB and Office of Rural Community Affairs (ORCA). Requires the Committee to present an update and make recommendations at the annual joint meeting of the Board and the governing board of the ORCA.

Requires the Board to meet annually with governing body of the Office of Rural Community Affairs to assess the agencies' progress in meeting the needs of colonia residents and to receive an update and recommendations from the Colonia Initiatives Advisory Committee.

Amends the tax code to provide tax exemptions for water-related equipment used for rainwater harvesting, reuse, desalination of groundwater and surface water, brush control, precipitation enhancement, water or wastewater systems if certified by TNRCC as a regional system and for public/private partnership water or wastewater projects.

Senate Bill 2

Relating to the development and management of the water resources of the state, including the ratification of the creation of certain groundwater conservation districts; providing penalties.

ARTICLE 1. TEXAS WATER ADVISORY COUNCIL

Creates the 13 Member Texas Water Advisory Council (New Article 9, Water Code)

- Council Members: TNRCC, TWDB, TPWD, TDA, GLO, 3 State Representatives, 2 Senators and 3 Public Members (1 each to represent groundwater management, surface water management, and the environmental community)
- The Water Advisory Council will provide focus and recommendations on state water issues, including but not limited to:
 - furtherance of key tenets of SB 2;
 - promoting flexibility and incentives for water desalination, brush control, regionalization of water projects, weather modification and public private partnerships relating to water projects;
 - encouraging the use of supplemental environmental projects for water infrastructure needs;
 - offering advice for development of prioritization criteria for TWDB to consider in funding of projects recommended in the State Water Plan
 - promoting adequate financing for surface water and groundwater projects;
 - ensuring commonality of technical data and information developed by participating state agencies in order to provide for seamless transition between water planning and water permitting;
 - encouraging the enhancement and coordination of state, interstate and international efforts to improve environmental quality and living conditions along Texas' borders;
- Water Advisory Council may not:
 - promulgate rules or otherwise take specific action
- Water Advisory Council to Submit Report and Recommendations to the Legislature
- Water Advisory Council will provide a forum for state-level analysis of river authorities:
 - On a five-year review cycle, each river authority will present its annual self-assessment report to the Advisory Council.
 - The authority will report to the Council its self-assessment of its performance.
 - The authority's report to the council shall include recommendations to the council, relating to:
 - any inter-regional issues the authority has identified as problematic and any potential solutions to those issues; and
 - solutions to any barriers the authority determines is interfering with the successful implementation of the approved regional water plan or state water plan.
 - The TNRCC shall expand the applicability of its rules (currently 30 TAC, Chapter 292) to include all 30 of the entities named in SB 2, rather than just the 20 entities currently identified in these rules.
 - SB 2 provides definition for "conjunctive use" to mean the combined use of groundwater and surface water sources that optimizes the beneficial characteristics of each source of water.

ARTICLE 2.
SURFACE WATER AND GROUNDWATER CONJUNCTIVE MANAGEMENT;
REGULATORY INCENTIVES

- Defines “river basin” as a river or coastal basin as designated by the TWDB, which does not include water originating in bays or arms of the Gulf of Mexico. This clarifies that movement of desalinated ocean or bay water, by definition, could not be considered an interbasin transfer.
- Provides definitions of “agriculture,” “agricultural uses” and “nursery grower.” These definitions include the meanings of some terms now being deleted such as “irrigation,” “stock raising” and “crop or livestock production,” as well as of additional activities such as confined animal feeding operations, the cultivation of plants in containers, viticulture (wine making), and leaving land idle for certain purposes, including crop or livestock rotations. The definitions apply to wholesale nursery growers, and not to retail nursery and home and garden centers.
- Includes “agricultural uses” (and strikes “irrigation”) in the list of purposes for which water may be appropriated, and moves agricultural uses up to same category as industrial uses.
- In list of preferences for the appropriation of water, SB 2 replaces “irrigation” with “agricultural uses,” and moves “agricultural uses” up from being third on the list to being second, and equal to “industrial uses,” on the list.
- SB 2 makes no changes to existing law relating to the junior rights status of interbasin transfers.
- Clarifies that the cancellation of a permit for inaction does not apply to a permit for construction of a reservoir designed for the storage of more than 50,000 acre-feet of water.
- Clarifies TNRCC’s responsibility, when considering permits within 200 miles of the coast, to consider bays and estuaries studies by the TPWD and other state agencies.
- Expands exemptions from cancellation of water rights for nonuse to include water rights to meet long-term public water supply, electric generation needs, long-term water planning, or if the water right was obtained due to construction of a reservoir funded, in whole or in part, by the holder of the right.
- Requires TWDB, in coordination with the regional water planning groups and the groundwater districts, to obtain or develop groundwater availability models for major and minor aquifers, and provide the models to groundwater conservation districts and regional water planning groups. Such modeling of major aquifers shall be completed no later than October 1, 2004.
- Makes the TWDB’s currently voluntary water use survey mandatory, in order to increase its effectiveness in projecting future water use and to recognize outstanding water conservation efforts. Failure to return survey would make an entity ineligible for TWDB funding and/or TNRCC permitting. SB 2 allows survey responses to be exempt from open records requirements, if such an exemption is requested in writing by the survey respondent. Survey requirements to not apply to use of water supplied by windmills for domestic and livestock uses.
- Requires TWDB guidance principles for the regional water planning groups to include provisions for the protection of agriculture and the natural resources of the state.
- Clarifies that a legislative designation of “a river or stream segment of unique ecological value” means only that a state agency or city may not finance reservoir construction in a stream segment so designated.

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- Currently in Texas, there is no reporting requirement for, and no central registry of information on the location of existing water pipelines. SB 2 requires the TWDB to, by rule, require holders of water rights permits, groundwater export permits, retail public water suppliers, wholesale water providers and irrigation districts to report to the TWDB information on certain water pipelines and other facilities that can be used for water conveyance.
- Requires regional plans to include this information on water conveyance facilities, including but not limited to currently used and abandoned oil, gas and water pipelines.
- Also requires regional plans to describe the impact of proposed water projects on water quality, and the impact of the plan on unique river and stream segments if the regional water planning group or the legislature determines that a site of unique ecological value exists.
- SB 2 adds the following to the list of issues the TWDB must determine before approving a regional water plan:
 - plan includes water conservation practices and drought management measures;
 - plan is consistent with long-term protection of the state's water resources, agricultural resources, and natural resources.
- Provides a process for conflict resolution between a groundwater conservation district management plan and the regional water plan.
- Also, requires regional water planning groups to examine the financing needed to implement their water management strategies and projects and to report to the TWDB by June 1, 2002, how local governments and political subdivisions propose to pay for these projects, and what role the state should have in such financing, with particular attention to the increased level of state participation.
- Requires local water planning efforts to consider the implementation of a desalination program.
- Allows a groundwater district, or any other political subdivision to provide new information that a regional water planning group must consider for a possible amendment of the regional water plan. If the entity requesting a change is dissatisfied with the decision of the regional planning group, it can request the TWDB to review the decision and consider changing the state approved regional plan.
- Transfers responsibility from the TNRCC to the TWDB for the designation of groundwater management areas (GMAs). Directs the TNRCC to complete any GMA designations that are, by 9/1/01, already underway within the TNRCC. Requires the TWDB to designate groundwater management areas for major and minor aquifers across the state by September 2003, and TNRCC to complete designations of priority groundwater management areas (PGMAs) by September 2005.
- Streamlines the process for creating groundwater districts in Priority Groundwater Management Areas (PGMAs), encourages new district boundaries to be based on designated Groundwater Management Areas and PGMAs and authorizes greater flexibility in district creation if standard Chapter 36 district is not appropriate.
- Defines "river basin," "agriculture," "agricultural use," "conjunctive use," and "nursery grower" in Chapter 36, Water Code.
- Provides that groundwater districts are the preferred method of groundwater management through rules developed, adopted and promulgated by a district in accordance with the provisions of Chapter 36.

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- SB 2 provides a very streamlined process for groundwater conservation district creation, upon petition of landowners to the TNRCC. Ensures that this process will not be used to create shell districts, however, by requiring that districts created through this expedited process must have all of the powers and responsibilities of a standard Chapter 36 district. TNRCC may not certify a petition to create a district if it finds the proposed is not adequately funded or if the boundaries do not provide for effective management.
- In response to the recent court case in West Texas, clarifies that groundwater districts may regulate spacing and production of wells based on tract size and distance from property lines. Also, expands the issues for which groundwater districts are authorized to make and enforce rules to include protection of groundwater quality. (South Plains LaMesa Railroad, Ltd. v. High Plains Underground Water Conservation District No. 1)
- Provides that the penalties for violation of groundwater conservation district rules will be sufficient to ensure adherence to district rules. Penalties are set at up to \$10,000 per day per violation.
- Removes the existing law requirement that future groundwater district plans must be consistent with the regional water plan in place at the time the groundwater district's plan is being developed. Directs the districts to develop their management plans using the districts' best available data, and to forward those plans to the regional water planning group for consideration in their planning process.
- Adds the following management goals that groundwater districts' management plans must address:
 - addressing drought conditions, and
 - addressing conservation.
- Provides a process for appeal of a groundwater district management plan if it is in conflict with the state water plan, and provides a process for resolution of such conflicts.
- SB 2 substantially increases the joint planning responsibilities of groundwater districts that share a management area.
- SB 2 includes the groundwater district permit exemption language agreed upon by the Consensus Groundwater Stakeholders group. Maintains districts' ability to exempt wells on a district-by-district basis, and allows for an export fee to be assessed on any water withdrawn from exempted wells, if that water is transported for use outside the district.
 - Amends exemption:
 - Oil and Gas production exemptions -- limits existing district permit exemptions to only water supply wells that are (1) on the drilling rig site; (2) supplying a rig that is currently drilling or exploring; and (3) the responsibility of the person holding the drilling permit.
 - Mining operations exemptions -- clarifies that existing mining exemptions still apply for water being produced for "mining purposes" and for any use of that water in addition to mining purposes; but district permit requirements would apply for any water produced in addition to the water withdrawn for mining purposes;
 - Exemptions for wells producing less than 25,000 gallons per day if for domestic or livestock or poultry uses -- limits this exemption to wells on tracts of land larger than 10 acres.

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- Clarifies authority of groundwater districts relating to the transfer of groundwater out of district:
 - district rules can require permit amendment in order to transfer groundwater
 - districts can not regulate exporters more restrictively than in-district users
 - application procedures and fee must be equal to and/or combined with fee and procedures for in-district application
 - allows district to assess an export surcharge, using one of the following methods: (1) a fee negotiated between the district and the exporter; (2) a rate not to exceed the equivalent of the tax rate per \$100 valuation for each 1000 gallons transferred or 2.5 cents per 1000 gallons of water; or (3) for a fee-based district, a 50% export surcharge in addition to the district's production fee;
 - prohibits denial of a well permit based on the intention to export
 - provides that the term for the authorization to transfer water from a groundwater conservation district must be at least 30 years, unless otherwise negotiated by the parties.
 - export permit renewal decision must be objective, scientifically based decision that applies the same standards to all wells in the district
 - revenues from export fee can not be used to prohibit exports, but may be used for expenses relating to enforcement of the district's rules;
 - export provisions apply only to transfer of water that is permitted after September 1, 1997;
 - a district shall not adopt rules expressly prohibiting the export of groundwater.
 - in applying these export provisions, a district must be fair, impartial, and nondiscriminatory.
- SB 2 authorizes groundwater districts to assess production fees -- to be based on the amount of groundwater authorized to be withdrawn or on the amount actually withdrawn. Districts may assess production fees instead of, or in addition to, any taxes levied by the district. Production fees shall not exceed:
 - one dollar per acre foot per annum for agricultural use or
 - ten dollars per acre foot per annum for water used for any other purpose.
 - Barton Springs-Edwards Aquifer Conservation District, the Guadalupe County Underground Water Conservation District and the Lone Star Groundwater Conservation District are limited to annual production fees of \$1 per acre foot per year for agricultural use and 17 cents per 1000 gallons for water used for other purposes.
- Certain districts are exempted from the production fee language
 - Edwards Aquifer Authority
 - Fort Bend Subsidence District
 - Harris-Galveston Coastal Subsidence District
 - Barton Springs-Edwards Aquifer Conservation District
 - Any property tax based district created before September 1, 1999, unless otherwise authorized by special law
- Any district may assess a production fee for any water produced from a well exempt from district permitting requirements, if that water is subsequently sold to another person.

- District fees may not be used to purchase groundwater rights unless the purchased rights are acquired for conservation purposes and are permanently held in trust not to be produced.
- SB 2 strengthens the TNRCC's enforcement mechanisms for failure of a groundwater district to participate to conduct joint planning to ensure compatible management of their underlying aquifer.
- Deletes language allowing the TNRCC to remove a district's taxing authority and replaces it with language allowing the TNRCC to request the attorney general to place a non-performing district into receivership.
- Provides that the Dallas County Utility Reclamation District is defined as a municipal corporation and political subdivision for the purposes of the electric deregulation bill (SB 7) enacted by the 76th Legislature.
- Amends Utility Code to provide that a government-operated utility may not disclose information related to volume of use or billing information if such nondisclosure is requested by the user. This provision does not apply to a utility if the utility's primary source of water is a sole-source designated aquifer.
- Amends enabling statute of the Edwards Aquifer Authority (EAA) to:
 - Add the new definitions for agriculture, agricultural uses and nursery grower to the enabling legislation of the Edwards Aquifer Authority;
 - cap fees for agricultural uses of water in the EAA at \$2.00 per acre foot;
 - authorize the EAA to contract for injection or artificial recharge only if provision is made to protect and maintain the quality of groundwater in the receiving portion of the aquifer and the water used is from the Edwards aquifer or the water is recharged through a natural recharge feature.
- Amends the enabling statute of the North Harris /county Water Authority to allow them to establish rates and classification of fee and rate payers and to authorize the board to exempt certain wells from fees.

ARTICLE 3. DISTRICT RATIFICATIONS AND CREATIONS

- Cow Creek Groundwater Conservation District
- Crossroads Groundwater Conservation District
- Hays Trinity Groundwater Conservation District
- Lone Wolf Groundwater Conservation District
- Lost Pines Groundwater Conservation District
- McMullen Groundwater Conservation District
- Kimble County Groundwater Conservation District
- Red Sands Groundwater Conservation District
- Refugio Groundwater Conservation District
- Southeast Trinity Groundwater Conservation District
- Texana Groundwater Conservation District
- Tri-County Groundwater Conservation District
- Brazos Valley Groundwater Conservation District
- Post Oak Savannah Groundwater Conservation District
- Mid-East Texas Groundwater Conservation District
- Northeast Travis County Utility District

ARTICLE 4. WATER INFRASTRUCTURE FINANCING

(New Subchapter O, Chapter 15, Water Code)

Creates the Water Infrastructure Fund, as a fund in the state treasury, to be administered by the TWDB, to provide funding for the implementation of water supply projects recommended through the state and regional water planning process.

- Outline of Water Infrastructure Fund Structure and Incentive that could be moved if cash is appropriated:
 - Intended to make financial incentives available for all entities in order to facilitate the implementation of strategies recommended in the State Water Plan to meet need.
 - Fund targets critical gaps in existing financial assistance programs in Texas, including:
 - Current Funding Gap -- Rural and small community projects often cannot access financial assistance and/or cannot qualify for market rate lending.
 - SB 2 SOLUTION -- All financial assistance would receive some level of subsidy, and small, rural or disadvantaged communities could be eligible for deep subsidies including low interest loan, zero interest loans, and loan forgiveness or grants.
 - Current Funding Gap -- Current programs lack any financial assistance for activities between planning and construction.
 - SB 2 SOLUTION -- Fund would provide bridge funding for preconstruction activities, with incentives such as deferred payments until construction begins.
 - Current Funding Gap -- Lack of incentives for regionalization of water projects.
 - SB 2 SOLUTION -- Fund would encourage regional projects to meet all area needs through direct financial incentives, including matching disparate timing of needs of the potential participants.
 - Public Private Partnerships -- Funds may be provided to counties, municipalities, river authorities, and districts to provide incentives to public and private water systems and individuals for the conservation and development of water supply.
 - Fund must accommodate a wide range of applicant categories and levels of sophistication, project size and complexity, and financial capacity and need.
- Creates the Rural Water Assistance Fund (New Subchapter P, Chapter 15, Water Code)
 - Creates the rural water assistance fund, to be administered by the TWDB.
 - Fund is intended to provide financial assistance to smaller, rural water suppliers at lower cost that is currently available, and to ensure the public outreach and technical assistance critical for these smaller rural water systems to succeed if cash is appropriated.
 - Would specifically assist small systems in participating in regional water projects.
 - Defines “rural political subdivision” and allows such an entity to partner with the Texas Department of Agriculture or the Texas Department of Housing and Community Affairs to submit a joint application for financial assistance from the rural water assistance fund.
 - Fund consists of appropriations, loan repayments and TWDB general obligation bond proceeds.
 - Fund would be operated in a manner that will provide for repayment of the state bonds, thereby requiring the only outlay of the state to be the general revenue appropriated initially.
- Defines “regionalization” in Section 15.001, Water Code.
- Expands use of existing TWDB grant funding to include construction, acquisition, improvement or enlargement of projects involving desalination, brush control or weather modification.

- Expand use of existing TWDB loan funding to include brush control, weather modification, regionalization, desalination, and projects providing regional water quality enhancement services as defined by TWDB rule, including regional conveyance systems.
- Public Private Partnerships
 - Make political subdivisions eligible for loans under the TWDB’s agricultural water conservation bond program.
 - Expand TWDB’s agricultural water conservation bond program to include brush control and precipitation enhancement.
 - Provide financial incentives for public private partnerships involving nonpoint source pollution control and estuary management projects.
 - Expand property tax exemption for water conservation initiatives to include desalination projects or brush control projects.

ARTICLE 5. JOINT COMMITTEE ON WATER RESOURCES

- The Committee shall conduct an interim study and make recommendations regarding:
 - increasing the efficient use of existing water resources;
 - developing sufficient long-term financing strategies;
 - improving existing water conveyance systems;
 - water marketing
 - determining the appropriate role of environmental and wildlife concerns in water permitting and water development; and
 - protection of the natural condition of beds and banks of the state-owned watercourses.
- Joint Committee has 6 Members
 - Chairs of the Senate and the House Committees on Natural Resources
 - 2 Senators appointed by the Lt. Governor
 - 2 Representatives appointed by the Speaker
- The Joint Committee may call and hold hearings, and shall:
 - meet at least annually with the TNRCC and the TWDB, and
 - consider information relating to
 - encouraging the effective development of water marketing and water movement;
 - prioritizing the use of state funds for financing the development and conservation of water resources, and
 - measures for encouraging donation of water rights, for protecting instream uses.

ARTICLE 6. RULEMAKING PROCEDURES FOR THE EDWARDS AQUIFER AUTHORITY (EAA)

- Provides that the EAA is no longer subject to the Administrative Procedures and Texas Register Act but is subject to open meetings and open records requirements. Sets out additional requirements for the EAA, including requirement for a contested case hearing on a permit application if a person with a related justiciable interest requests the hearing.

**ARTICLE 7. LIMITED LIABILITY FOR AQUATIC
HERBICIDE APPLICATION**

- Defines “commercially licensed aquatic herbicide applicator,” and caps liability at \$2 million for each occurrence of personal injury, property damage, or death resulting directly or indirectly from the application of aquatic herbicide in compliance with contracts, law, and the license terms or permit. Liability cap does not apply under certain, specified circumstances.

ARTICLE 8. CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFOs)

- Defines “sole-source surface drinking water supply” and “protection zone,” and requires a TNRCC permit for construction of a CAFO within a protection zone.

ARTICLE 9. REVOCATION OF CERTIFICATE OF PUBLIC UTILITY

- Allows a city to request the TNRCC to revoke the certificate of convenience and necessity (CCN) of a public utility if it finds that the utility has never provided, is no longer providing, or has failed to provide continuous and adequate service, or if the utility has been grossly or continuously mismanaged or grossly or continuously noncompliant with state law or TNRCC rules. If the CCN is revoked, the city must operate the utility and request TNRCC approval to acquire the utility at fair market value.

ARTICLE 10. WATER UTILITY SYSTEMS

- Amends multiple provisions in Chapter 13, Water Code, relating to requirements for water utilities regarding rate making, billing procedures, disclosure of related interests, regional consolidation of rates.

ARTICLE 11. MISCELLANEOUS PROVISIONS

- Provides that property subject to a permit or a plat in one city’s extraterritorial jurisdiction (ETJ) may not be subjected to new or additional water pollution regulations if the property is transferred to another city’s ETJ.
- Prohibits a local government, except for the Edwards Aquifer Authority, from adopting regulations or ordinances that impose standards for underground petroleum storage tanks, since there is a unified and statewide program for groundwater and surface water protection relating to underground storage tanks.
- Prohibits the TNRCC from authorizing injection wells into or through the Edwards Aquifer.
- Updates statute that provides a population bracket to exempt certain water wells from district regulation.

ARTICLE 12. NORTH HARRIS COUNTY REGIONAL WATER AUTHORITY

- Modifies the enabling statute of the authority regarding the authority’s contractual powers.

ARTICLE 13. REPORTS, REPEALER; TRANSITION; VALIDATION; EFFECTIVE DATE

Bill is effective September 1, 2001

BILLS IMPACTING TWDB

- HB 7** **by Warren Chisum** **Senate Sponsor: David Sibley**
- Relating to creating the Office of Rural Community Affairs.**
- Creates the Office of Rural Community Affairs as a new agency responsible for rural issues. The agency would be responsible for coordinating and advocating for economic development and health-care reform in rural areas. The federal community development block grant non-entitlement program would be transferred to the agency from TDHCA.
- EFFECTIVE DATE:** September 1, 2001
- HB 819** **by David Counts** **Senate Sponsor: Robert Duncan**
- Relating to the transfer of the Office of Rural Affairs to the Department of Agriculture.**
- Transfers the office from the Department of Economic Development to the Department of Agriculture. Purpose of office is to promote economic development in rural areas.
- EFFECTIVE DATE:** September 1, 2001
- HB 906** **by Fred Bosse** **Senate Sponsor: Eddie Lucio**
- Relating to the continuation and functions of the Coastal Coordination Council.**
- Continues the Council until September 1, 2013 and makes changes to the Council's composition and voting procedures, by making all State agency members *ex officio* and increasing the local coastal representation.
- EFFECTIVE DATE:** September 1, 2001
- HB 1872** **by Jim Solis** **Senate Sponsor: John Carona**
- Relating to local employment impact statements required before a state agency may adopt a rule.**
- Requires a state agency to determine whether a rule may affect a local economy before proposing the rule for adoption.
- EFFECTIVE DATE:** September 1, 2001

- HB 2071** by **Robert Junell** Senate Sponsor: **Tom Haywood**
- Relating to establishing a billing procedure to ensure that each state agency is billed for the cost of support services allocated to the agency under the statewide cost allocation plan.**
- Requires the Comptroller to establish rules for a billing procedure to ensure each state agency is billed for the cost of support services allocated to the agency under the statewide cost allocation plan. This would also include a portion of federal indirect costs received.
- EFFECTIVE DATE:** September 1, 2001
- HB 2588** by **David Counts** Senate Sponsor: **David Bernsen**
- Relating to the consideration of potential water savings under a water conservation plan in determining the manner of distributing water during a shortage from a water supply covered by a plan.**
- Requires water suppliers to distribute water on a pro rata basis or take into account the customer's compliance with applicable water conservation and drought contingency plans, prepared in compliance with Texas Natural Resource Conservation Commission or Texas Water Development Board, when addressing water shortages.
- EFFECTIVE DATE:** June 15, 2001
- HB 3088** by **Sylvester Turner** Senate Sponsor: **Rodney Ellis**
- 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.**
- Provides regulations and exemption for certain funds, accounts, dedicated revenue and unappropriated money in the state treasury. All funds and accounts created or re-created in the state treasury by an Act of the 77th Legislature are abolished by August 27, 2001 unless they are included in this legislation. All new accounts created by SB 2 and SB 312 are included in this bill.
- EFFECTIVE DATE:** August 27, 2001
- HB 3096** by **David Counts** Senate Sponsor: **Robert Duncan**
- Relating to the development of a water supply reservoir project at a site known as the Post Reservoir site in Garza County, Texas.**
- Provides a legislative designation of Post Reservoir in Garza County as a unique reservoir site. Legislature finds that a condition warrant a TWDB waiver of the requirement that the project meet needs in a manner consistent with the state and regional water plans. Authorizes the TWDB to use its State Participation Loan program to acquire up to 100% the undivided interest in the Post Reservoir projects. Authorizes the White River Municipal Water District to acquire land inside and outside district boundaries for the purpose of operating a regional water system.
- EFFECTIVE DATE:** September 1, 2001

HCR 88 by Rene Oliveira Senate Sponsor: Eddie Lucio

Requesting the International Boundary and Water Commission to assure that Mexico meet its Article 4 delivery obligations under the 1944 treaty governing the sharing of waters from the Rio Grande/ Rio Bravo basin.

HJR 81 by David Counts Senate Sponsor: Buster Brown

Proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board.

Requires the submission to the voters of a constitutional amendment authorizing the board to issue additional general obligation bonds in an amount not to exceed \$2 billion for the Texas Water Development Fund II. Also provides changes to state's participation amount in acquiring an interest in a facility.

EFFECTIVE DATE: Subject to November 6, 2001 election

SB 312 by Judith Zaffirini House Sponsor: Warren Chisum

Relating to the review and functions of the Texas Water Development Board

This is the TWDB Sunset Bill. Sets the date for the next review by the Sunset Advisory Commission to be 2013 and every 12 years there after. See summary.

EFFECTIVE DATE: September 1, 2001

SB 326 by Eddie Lucio House Sponsor: Jim Solis

Relating to the creation of an initiative unit to develop a Texas-Mexico Commerce and International Relations Coordinated Plan.

The Texas Department of Economic Development will coordinate the Texas-Mexico Commerce and International relations Initiative Unit, a multi-state agency effort to study and develop a coordinated state plan to increase and improve trade and tourism with Mexico and neighboring states.

EFFECTIVE DATE: September 1, 2001

SB 331 by Tom Haywood House Sponsor: David Swinford

Relating to agricultural policy for the state.

Agricultural policy of the state is amended to include; that a high priority is assigned to the agricultural use of water, provide for adequate transportation for agricultural products, preventing enactment of laws that would be inconsistent with agricultural profitability, facilitating loans and grants to agricultural producers and encourage efforts by landowners to protect and conserve the basic resources of agriculture such as water, soil and air.

EFFECTIVE DATE: September 1, 2001

SB 565

by Ken Armbrister

House Sponsor: Jaime Capelo

Relating to security for public securities issued by governmental entities.

Amends the Government Code to provide that a security interest created by an issuer by means of a security agreement:

- is perfected from the time the security agreement is entered into or adopted until the termination of the security agreement;
- is valid and effective according to its terms;
- is ranked as to priority in order of the time of perfection; and
- may be enforced as provided by the security agreement or the law that authorizes the security agreement.

The bill provides the rights of a lien creditor are subordinate to a perfected security interest. The bill also provides that a security interest in real property is perfected when the security agreement or other official instrument is duly recorded in the real property records of the county in which the property is located. The bill does not create or exempt an issuer from a duty to submit public securities to the attorney general for approval and registration by the comptroller or authorize an issuer to enter into or adopt a security agreement.

EFFECTIVE DATE: July 1, 2001

SB 1146

by Eliot Shapleigh

House Sponsor: Warren Chisum

Relating to the creation of an information link for state agencies with jurisdiction over environmental and natural resources matters.

Requires state agencies that have jurisdiction over environmental and natural resources matters to create an information link, through the Texas Online portal, that provides electronic access to information and services related to the agencies' authority and duties including access to agency rules and other public information. DIR will coordinate this effort

EFFECTIVE DATE: September 1, 2001

SB 1230

By Rodney Ellis

House Sponsor: Robert Junell

Relating to certain state agency operating plans and strategic plans for information resources management.

Amends the Government Code to provide LBB the sole responsibility for review of agency's strategic plans to include strategic plans for IR management. Changes all related conforming statues form DIR to LBB.

EFFECTIVE DATE: September 1, 2001

SB 1458

By Robert Duncan

House Sponsor: Brian McCall

Relating to the management of state agency and local government electronic projects, equipment, and contracts, to the purchase and use of certain advanced technological equipment, and to the use of outside personnel by the comptroller of public accounts.

Establishes an electronic government program management office in the Department of Information Resources to guide, promote, and facilitate the implementation of select e-government projects and to manage the ongoing development of the TexasOnline portal.

EFFECTIVE DATE: June 15, 2001

SB 1547

by Robert Duncan

House Sponsor: Brian McCall

Relating to the establishment of an investment advisory board by the comptroller of public accounts.

The Comptroller shall establish an investment advisory board to advise the comptroller on investments. For this purpose the deposit of state funds in a state depository are not considered an investment.

EFFECTIVE DATE: September 1, 2001

SB 1600

by Todd Staples

House Sponsor: Jim McReynolds

Relating to the water rights permit for the proposed Lake Eastex water supply reservoir project

Legislative finding that Lake Eastex is in the public interest and extends the deadline for commencement of construction to September 1, 2011, the deadline for completion of construction to September 1, 2017 and allows the TNRCC to issue an amendment to the permit without a hearing.

EFFECTIVE DATE: September 1, 2001

EDAP ISSUES

HB 1445 by **Bob Turner** Senate Sponsor: **Jeff Wentworth**

Relating to authority of municipalities and counties to regulate subdivisions in a municipality's extraterritorial jurisdiction.

Amends the Local Government Code to clarify confusion with the problem of dual jurisdiction over platting requirements in areas outside city limits but within an ETJ. Counties and municipalities may enter into an agreement for the regulation of subdivisions in the ETJ of a municipality. This is not applicable in counties with a population greater than 1.9 million and within a county that is 50 miles of an international border or to which Subchapter C, Chapter 232 Local Government Code applies.

EFFECTIVE DATE: September 1, 2001

HB 3034 by **Manny Najera** Senate Sponsor: **Eliot Shapleigh**

Relating to certain fees imposed by the Lower Valley Water District.

Requires the Lower Valley Water District (district) to give to each owner of property who is not receiving district sewer services and on whom the district imposes a fee to encourage connection to district sewer services a notice of the fee in both English and Spanish that includes information on the purpose of the fee, a comparison of the cost to connect to the services and the amount of the fee, applicable district rules that provides for the fee and a request as to indicated whether the owner request or refuses hookup. Requires that for each person on whom the fee is imposed. The Districts shall mail the notice to a person at least 90 days before the district first imposes the fee on the person and then annually. Requires the district to maintain records of responses received to the notifications mailed under this section. Requires the district to ensure a fee is not imposed on a person unless it is clear that the person is required to pay the fee under district rules.

EFFECTIVE DATE: September 1, 2001

HB 3604 by **Manny Najera** Senate Sponsor: **Eliot Shapleigh**

Relating to the requirements for the connection of land to utility service in certain subdivisions in certain counties.

Authorizes a utility to provide service to land located in a subdivision in which the utility has previously provided service if the utility is provided with a certificate issued by a commissioners court that states that the land in an ETJ was sold or conveyed to the person requesting service before September 1, 1999, and construction of a residence was begun on the land on or before May 1, 2003, if the subdivided land was located in the ETJ on August 31, 1999.

EFFECTIVE DATE: September 1, 2001

SB 649

by Carlos Truan

Senate Sponsor: Kino Flores

Relating to training requirements for applicants for and recipients of financial assistance for water and sewer services under the economically distressed areas program.

The TWDB may require training for applicants for and recipients of, financial assistance from EDAP where an assessment is made by either the TWDB or TNRCC that Financial, Managerial and/or Technical capabilities are inadequate to ensure the project will meet program requirements or remain financially viable.

EFFECTIVE DATE: September 1, 2001

EMPLOYEE ISSUES

- HB 569** **by Pete Gallego** **Senate Sponsor: Eliot Shapleigh**
- Relating to administrative approval of state employee contributions to the sick leave pool.**
- Eliminates the need for a sick leave pool administrator to approve a donation to the sick leave pool. Employees could donate without approval
- EFFECTIVE DATE:** September 1, 2001
- HB 2492** **by Fred Bosse** **Senate Sponsor: Chris Harris**
- Relating to the state employee incentive and productivity program.**
- Modifies the eligibility requirements of the program and increases the amount of savings to a state agency in order for an employee or state employee group to be eligible to receive an award or bonus.
- EFFECTIVE DATE:** September 1, 2001
- HB 2914** **by Dennis Bonnen** **Senate Sponsor: Robert Duncan**
- Relating to state fiscal matters; making an appropriation.**
- Makes technical and policy changes to several statutes relating to the state's fiscal management and the comptroller's powers and duties to administer those laws. Amends various statutes relating to electronic records and signatures used or accepted by the comptroller; rulemaking about the rollback tax rate limit; the intellectual property of the comptroller; the collection of delinquent taxes and debts to the state; state property accounting; advisory committees; determining the fiscal year to charge for certain state expenditures; financial reporting by state agencies; administration of the energy management center; longevity pay; hazardous duty pay; temporary reassignments of state employees.
- EFFECTIVE DATE:** September 1, 2001
- SB 292** **by Kenneth Armbrister** **House Sponsor: Barry Telford**
- Relating to programs and systems administered by the Employees Retirement System of Texas.**
- This is the ERS omnibus bill that enhances the application and consistency of benefits for ERS members, provides cost of living adjustments for ERS annuitants, contains general housekeeping provisions regarding ERS, and makes clarifications in some of the statutes affecting ERS. Allows state employees with more than 10 years of service, to buy up to 5 years retirement service. Increases the multiplier to 2.3% for retirement and/or disability retirement purposes. Requires disability retirement application be made within 2 years after the accident that caused the disability. Reiterates that the multiplier to not exceed 100% for retirement deduction and allows accrued annual and sick leave to be used in members' death toward service time for retirement purposes.
- EFFECTIVE DATE:** June 15, 2001

SB 587

by Robert Duncan

House Sponsor: Wayne Christian

Relating to the analysis of, and certain measures that address, the staffing needs of state agencies.

Allows previously retired state employee to be able to work full time (12 months) in a fiscal year without a negative impact to their retirement benefits. Also requires state agencies to conduct strategic staffing analysis and develop a workforce plan to address critical staffing and training needs of an agency. Guidelines for development of the workforce plan will be developed by the State Auditor's office

EFFECTIVE DATE: September 1, 2001

SB 799

by Robert Duncan

House Sponsor: Tom Craddick

Relating to requiring state agencies to perform exit interviews with employees.

Requires each state agency to conduct an exit interview with an employee who leaves employment with the agency by having the employee access the questionnaire posted on the state auditor's Internet site and electronically submit the completed questionnaire to the state auditor.

EFFECTIVE DATE: September 1, 2001

SB 1396

by Troy Fraser

House Sponsor: Brian McCall

Relating to the requirement that state agencies notify the governor's office of job vacancies.

Amends the Government Code to remove the requirement for a state agency after a job vacancy occurs or is filled in Travis County by that state agency to complete and deliver to the Equal Employment Opportunity Office in the governor's office the appropriate information form prescribed by the Texas Workforce Commission and pertaining to a job vacancy or placement. Only TWC must be notified.

EFFECTIVE DATE: September 1, 2001

GENERAL GOVERNMENT

HB 35 by **Ruth McClendon** Senate Sponsor: **Ken Armbrister**

Relating to the meeting of a governmental body held by videoconference call.

Authorizes a meeting of a governmental body that extends into three or more counties to be held by videoconference call only if a majority of the quorum of the governmental body is physically present at one location of the meeting. Notice must be provided of the location where the quorum will be present.

EFFECTIVE DATE: September 1, 2001

HB 249 by **Jim Pitts** Senate Sponsor: **Florence Shapiro**

Relating to reports on the extent to which the computer technology and electronically stored information of a state agency or a state contractor are vulnerable to unauthorized access or harm.

State agency's IR managers may prepare a report assessing the extent to which a computer, a computer program, a computer network, a computer system, computer software, or data processing of the agency or of a contractor of the agency is vulnerable to unauthorized access or harm, including the extent to which the agency's or contractor's electronically stored information is vulnerable to alteration, damage, or erasure.

The vulnerability report is not subject to disclosure and requires a state agency whose manager has prepared a vulnerability report to prepare a summary of the report that excludes information that might compromise security to be made available to the public on request.

EFFECTIVE DATE: September 1, 2001

HB 409 by **John Shields** Senate Sponsor: **Frank Madla**

Relating to requirement that the name, address, and phone number of a bondsman appear on the face of performance and payment bonds.

Requires that performance and payment bonds clearly display surety company contact information for sending any notice of claim, or display the toll-free telephone number maintained by the Texas Department of Insurance for obtaining the address of a surety company.

EFFECTIVE DATE: September 1, 2001

HB 548 by **Jim Keffer** Senate Sponsor: **Mike Jackson**

Relating to the conduct of the business of certain surety companies.

Amends the Insurance Code to provide that the business of insurance includes the actions of a surety company, and sets forth provisions relating to the duties of a commercial surety.

EFFECTIVE DATE: September 1, 2001

- HB 609** **by Scott Hochberg** **Senate Sponsor: Florence Shapiro**
- Relating to internal auditing of state agencies.**
- Extends the internal audit requirement to all state agencies that receive an appropriation if there is not a governing board.
- EFFECTIVE DATE:** September 1, 2001
- HB 666** **by Kevin Bailey** **Senate Sponsor: Jon Lindsay**
- Relating to prohibiting municipal regulation of water and wastewater facilities in the unincorporated area of certain counties.**
- Prohibits a municipality from regulating the size, type, or method of construction of water and wastewater facilities in its extraterritorial jurisdiction to serve existing developed tracts in a county with a population of 2.8 million or more.
- EFFECTIVE DATE:** September 1, 2001
- HB 834** **by Kino Flores** **Senate Sponsor: John Carona**
- Relating to the sale of surplus or salvage state property.**
- Requires the comptroller to advertise surplus property on the comptroller's web site, shortens the amount of time during which entities coordinate the transfer of property, and provides for the sale of property through Internet auction sites.
- EFFECTIVE DATE:** September 1, 2001
- HB 931** **by Jim Solis** **Senate Sponsor: Eliot Shapleigh**
- Relating to a coordinated economic development plan for the state.**
- Requires the Texas Department of Economic Development, in consultation with the Comptroller of Public Accounts, to develop a comprehensive statewide economic development plan by September 1, 2002 and for the plan to be updated every five years.
- EFFECTIVE DATE:** September 1, 2001
- HB 1922** **by Brian McCall** **Senate Sponsor: Robert Duncan**
- Relating to state government privacy policy.**
- Establishes guidelines for the state in personal information collection that paces technology advances. The bill requires each state governmental body that collects information about an individual, either through a paper or electronic format, to prominently state that the individual is entitled to receive and review the information collected. Mandates each state governmental body to establish a reasonable procedure for correcting personal information without imposing a charge on the individual, unless the provision conflicts with the open record requirements. Also creates a state privacy task force to research privacy issues and recommend legislation to protect personal information collected by the state.
- EFFECTIVE DATE:** September 1, 2001

HB 2912 by **Fred Bosse** Senate Sponsor: **Chris Harris**

Relating to the continuation and functions of the Texas Natural Resource Conservation Commission.

TNRCC sunset bill. Name changed to Texas Commission on Environmental Quality. The agency is continued until 2013

EFFECTIVE DATE: September 1, 2001

HB 2997 by **Bill Callegari** Senate Sponsor: **Eddie Lucio**

Relating to the implementation by the Texas Natural Resource Conservation Commission of a program to encourage the use of environmental management systems.

Requires the Texas Natural Resource Conservation Commission (commission) by rule to adopt a comprehensive program that provides regulatory incentives to encourage the use of environmental management systems by regulated entities, state agencies, local governments, and other entities as determined by the commission.

EFFECTIVE DATE: September 1, 2001

HB 3064 by **Robert Junell** Senate Sponsor: **Rodney Ellis**

Relating to the issuance of general obligation bonds by the Texas Public Finance Authority for certain construction and repair projects.

Gives Texas Public Finance Authority the authority to issue \$800 million in general obligation bonds for construction and repair projects for GSC, TYCJ, TDCJ, MHMR, TPWD, TSD, TDA, DPS, Preservation Board, Adjutant General, School for the Blind and Visually Impaired, TNRCC, and TXDOT

EFFECTIVE DATE: Subject to voter approval in November 6, 2001 election.

HB 3172 by **Senfronia Thompson** Senate Sponsor: **Leticia Van de Putte**

Relating to the authority of a county to establish public improvement districts.

Amends Section 372.003, Local Government Code, to make conforming changes and to authorize a county to establish a public improvement district unless, within 30 days of a county's action to approve such a district, a home rule municipality objects to its establishment within the municipality's corporate limits or extraterritorial jurisdiction.

EFFECTIVE DATE: September 1, 2001

SB 170 **by Jeff Wentworth** **House Sponsor: Steven Wolens**

Relating to the application of the open meetings law to attendance at a legislative committee meeting by a quorum of another governmental body.

Attendance of a quorum of a governmental body at a committee of the legislature, at the request of legislature, does not constitute as a meeting of the governmental body.

EFFECTIVE DATE: September 1, 2001

SB 187 **by Eliot Shapleigh** **House Sponsor: Burt Solomons**

Relating to the creation of a commission and project to provide government services through a secure and uniform online system.

Creates the TexasOnline Authority consisting of 15 members selected by DIR. The Authority is to develop and implement the TexasOnline Project that established a common electronic system using the Internet through which state agencies and local governments may electronically send and receive documents, payments, application for permits and licenses and other services. DIR will coordinate the Authority on implementation.

EFFECTIVE DATE: September 1, 2001

SB 200 **by Frank Madla** **House Sponsor: Robert Junell**

Relating to state and regional coordination of planning and development for implementation of state programs.

Require state agencies when carrying out their planning and program development responsibilities to coordinate planning with regional planning commissions, councils of governments, or other similar regional planning agencies to ensure effective and orderly implementation of state programs at the regional level.

EFFECTIVE DATE: June 13, 2001

SB 221 **by Todd Staples** **House Sponsor: Ruth McClendon**

Relating to government purchasing using the reverse auction procedure.

Allows GSC and certain local governments to use the “reverse auction procedure” in purchasing goods and services.

EFFECTIVE DATE: May 21, 2001

SB 335

by John Carona

House Sponsor: Jesse Jones

Relating to an interlocal cooperation contract between a local government in this state and a local government in another state.

Amends the Government Code to authorize a local government in this state to enter into an interlocal cooperation contract with a local government in another state. The bill deletes the restriction that the out-of-state local government must be in a state that borders this state. The bill specifies that a governmental entity of this state or another state that makes purchases or provides purchasing services under an interlocal contract for a state agency must comply with provisions governing historically underutilized businesses.

EFFECTIVE DATE: September 1, 2001

SB 356

by Eddie Lucio

House Sponsor: Peggy Hamric

Relating to performance measures for innovative regulatory programs implemented by the Texas Natural Resource Conservation Commission.

Requires TNRCC to work with the Legislative Budget Board to create performance measures that assess the improvements in environmental quality achieved by innovative regulatory programs implemented by TNRCC

EFFECTIVE DATE: September 1, 2001

SB 405

by Buster Brown

House Sponsor: Tony Goolsby

Relating to the regulation of professional geoscientists; providing penalties.

Creates the Texas Board of Professional Geoscientists to regulate the profession. "Geoscience" is defined as the "science of the earth and its origin and history, the investigation of the earth's environment and the study of the natural and introduced agents, forces and processes that cause changes it and on the earth." Would require professional to obtain a license and abide by regulations set up by the new Board.

EFFECTIVE DATE: September 1, 2001

SB 407

by David Cain

House Sponsor: Joseph Pickett

Relating to the authority of a public entity to borrow funds from the state infrastructure bank.

Authorizes public entities in this state, including cities, counties, and state agencies, to borrow funds from the SIB based on credit of the public entity. Requires money borrowed from the SIB to be segregated from other funds under the control of the public entity, and authorizes these funds to only be used for purposes related to a qualified project.

EFFECTIVE DATE: April 9, 2001

SB 481

by Robert Duncan

House Sponsor: Ann Kitchen

Relating to electronic filing of reports with state agencies.

Amends the Government Code to require the Department of Information Resources (DIR) to advise and consult with state agencies to assess opportunities for allowing persons to electronically file required information with an agency. The bill requires DIR to identify the cost of implementing an electronic reporting procedure and any barriers to electronic reporting. The bill authorizes DIR to survey state agencies, identify the costs associated with electronic reporting, identify reports that may be filed electronically, advise an agency, and develop and implement a plan to adopt electronic reporting in state government, whenever it is effective and efficient to do so. The bill requires DIR to report its recommendations to the legislature no later than September 1, 2002.

EFFECTIVE DATE: September 1, 2001

SB 497

by Eliot Shapleigh

House Sponsor: David Counts

Relating to information a state agency may post on the Internet.

Amends the Government Code to authorize each state agency that maintains a generally accessible Internet site or for which a generally accessible Internet site is maintained to post on the site any non-confidential information related to the programs, activities, or functions of the agency.

EFFECTIVE DATE: September 1, 2001

SB 519

by Eliot Shapleigh

House Sponsor: Roberto Gutierrez

Relating to requiring a state agency that adjusts a local matching funds requirement to submit an annual report.

Adds a reporting requirement to Section 783.009 of the Government Code for agencies that adjust a matching fund requirement under this section shall submit an annual report to Legislature of the effect of each adjustment of the agency's programs. This pertains to economically disadvantaged counties or census tracts.

EFFECTIVE DATE: September 1, 2001

SB 656

by Royce West

House Sponsor: Garnet Coleman

Relating to the designation and functions of a state demographer.

The Governor shall appoint an employee of a state agency as the state demographer from a list submitted by Speaker of the House and the Lt. Governor.

EFFECTIVE DATE: September 1, 2001

SB 695 **by Jeff Wentworth** **House Sponsor: Ron Clark**

Relating to consultations between a governmental body and its attorney

Allows governmental bodies to use teleconferences, video conferences, or Internet conferences to consult with legal counsel in an open meeting or executive session. This does not apply to attorneys employed by the body

EFFECTIVE DATE: September 1, 2001

SB 734 **by Robert Duncan** **House Sponsor: Beverly Woolley**

Relating to a report by the Legislative Budget Board on the performance of the state's major investment funds.

Amends the Government Code to require the Legislative Budget Board (LBB) to evaluate and publish an annual report on the risk-adjusted performance of each state investment fund that contains a relatively large amount of assets belonging to or administered by the state. Requires the LBB in its report to compare the risk-adjusted performance of the funds and to examine the performance of similar asset classes and comparable portfolios within asset classes. Also requires each state governmental entity or person that administers a state investment fund to provide information the LBB requests regarding the performance of the fund. LBB in its report is required to use terminology and a format that a person without technical investment expertise can understand.

EFFECTIVE DATE: June 16, 2001

SB 749 **by Eliot Shapleigh** **House Sponsor: Pat Haggerty**

Relating to the authority of the Texas Natural Resource Conservation Commission to participate in environmental projects in Mexico and to study means to reduce air pollutants in certain facilities in the border region.

Authorizes the TNRCC to take and finance any action in Mexico, in cooperation with governmental authorities of Mexico, that in the opinion of TNRCC is necessary or convenient to accomplish a duty of TNRCC imposed by law and will yield benefits to the environment in this state.

EFFECTIVE DATE: September 1, 2001

SB 817 **by Ken Armbrister** **House Sponsor: Tony Goolsby**

Relating to the requirement that the name of a state agency be printed on certain state motor vehicles.

Exempts certain state agencies from the requirement of placing the name of the agency on its vehicle. This pertains to regulatory and health and public safety agencies.

EFFECTIVE DATE: September 1, 2001

SB 827 **by Robert Duncan** **House Sponsor: Hawley/Swinford/
Turner, Bob/Hardcastle**

Relating to certain anticipation notes for rural economic development.

Authorizes rural municipalities and counties to issue anticipation notes to the Texas Agriculture Finance Authority (TAFAs) to finance public purpose projects that will promote economic development or facilitate the infrastructure necessary for local economic growth. Allowing TAFAs to serve as a small loan bond bank will reduce expenses and requirements for rural area needing to finance small dollar amount projects.

EFFECTIVE DATE: September 1, 2001

SB 873 **by Jon Lindsay** **House Sponsor: Betty Brown**

Relating to infrastructure planning in certain urban counties.

Grants specified counties the authority to adopt subdivision regulations, enforce a major thoroughfare plan and establish right of way, require possession of a plat compliance certificate before utility hookups, and enact other regulations relevant

EFFECTIVE DATE: September 1, 2001

SB 980 **by John Carona** **House Sponsor: Gary Walker**

Relating to the imposition by municipality of a moratorium on property development in certain circumstances.

Sets out certain procedures and requirements for municipalities to list the purposes of a moratorium and limits the time frame for the moratorium and subsequent extensions.

EFFECTIVE DATE: September 1, 2001

SB 1168 **by Frank Madla** **House Sponsor: Ruth McClendon**

Relating to authorizing counties to order a referendum on the increase or decrease of flood control taxes or the use of funds generated by flood control taxes.

Amends the Local Government Code to authorize the commissioners court of a county to order a referendum on whether flood control taxes should be increased or decreased, or whether an existing or proposed flood control project should receive funding. The bill sets forth the ballot propositions for such a referendum and provides for the increase or decrease of a flood control tax according to majority vote. The bill prohibits a flood control project for which a majority of the votes cast at the referendum do not approve funding from receiving funds generated by the flood control tax.

EFFECTIVE DATE: May 22, 2001

SB 1175

by Jeff Wentworth

House Sponsor: Gary Walker

Relating to the administration of the weather modification program; providing penalties.

Transfers the weather modification program from the Texas Natural Resource Conservation Commission to the Texas Department of Licensing and Regulation (department). Also authorizes the department to receive and administer grants to political subdivisions for weather modification and control activities since the weather modification program mostly affects farmers, ranchers, and others involved in the agriculture industry. Funding for the weather modification program will be solicited by the Texas Department of Agriculture.

EFFECTIVE DATE: September 1, 2001

SB 1759

by Ken Armbrister

House Sponsor: Jaime Capelo

Relating to the issuance and sale of and security and payment for public securities.

Authorizes public securities to be sold at public or private sales, authorizes certain municipalities to issue certificates of obligation paid from sales and use taxes, and makes other modifications regarding public securities.

EFFECTIVE DATE: September 1, 2001

SCR 22

by Buster Brown

**House Sponsor: Chisum/Bonnen/Uher/
Howard/Green**

Urging the U.S. Environmental Protection Agency to provide maximum flexibility to the states in the implementation of federal environmental programs and regulations.

EFFECTIVE DATE: September 1, 2001

SCR 23

by Buster Brown

**House Sponsor: Chisum/Uher/ Bonnen/
Howard/Geren**

Urging the Texas Natural Resource Conservation Commission to expand its coordination efforts with the U.S. Environmental Protection Agency, the Environmental Council of the State and other national associations to increase flexibility for the states in implementation of federal environmental regulations.

EFFECTIVE DATE: September 1, 2001

HB 2401

by Ron Lewis

Senate Sponsor: Buster Brown

Relating to programs and funding methods that promote water conservation among certain state and local entities.

Amends Section 373.005(b), Local Government Code, to authorize a community development program to include construction, reconstruction, or installation that implements design features or makes improvements that promote water use efficiency, and makes a conforming change. Also amends Section 61.0591(c), Education Code, to include water conservation, rainwater harvesting, and water reuse to the list of efforts for which funds are to be allocated.

EFFECTIVE DATE: September 1, 2001

HB 2403

by Ron Lewis

Senate Sponsor: Buster Brown

Relating to water and energy saving performance standards and related labeling requirements for clothes-washing machines.

Requires the Texas Natural Resource Conservation Commission (TNRCC) to report to the legislature on the water consumption factor of all clothes washing machines that were imported into this state during the preceding calendar year.

EFFECTIVE DATE: September 1, 2001

HB 2404

by Ron Lewis

Senate Sponsor: Buster Brown

Relating to the submetering of apartments, manufactured home rental communities, and other multiple use facilities.

Requires an owner or manager of a new apartment house, manufactured home rental community, multiple use facility, or condominium to provide for the submetering of each unit and sets forth provisions regarding the installation of plumbing fixtures that meet water savings performance standards.

EFFECTIVE DATE: September 1, 2001

HB 3023

by Warren Chisum

Senate Sponsor: Teel Bivins

Relating to water quality permit applications for certain facilities located near a sole-source drinking water supply.

Clarifies which CAFOs are sufficiently close to a water supply by requiring the Texas Natural Resource Conservation Commission to designate a protection zone around a water supply and specifies the location of a protection zone.

EFFECTIVE DATE: September 1, 2001

SB 936

by Ken Armbrister

House Sponsor: Robby Cook

Relating to floodplain management and flood insurance; providing a criminal penalty.

Updates enabling legislation regarding references to both federal and state agencies; enables counties to enforce floodplain management court orders; and allows counties to participate in mitigation

EFFECTIVE DATE: September 1, 2001

SB 1339

by Steve Ogden

House Sponsor: Jim McReynolds

Relating to requiring owners or operators of poultry operations to implement and maintain certified water quality management plans.

Amends the Water Code to require a person who owns or operates a poultry facility to implement and maintain a water quality management plan for the facility that is certified by the State Soil and Water Conservation Board (board). Sets forth a schedule for when a facility is required to submit the plan to the board

EFFECTIVE DATE: September 1, 2001

WATER DISTRICTS & RIVER AUTHORITIES

HB 372 by Pete Gallego Senate Sponsor: Frank Madla

Relating to voter eligibility in Maverick County Water Control and Improvement District No. 1.

Requires a person eligible to vote under Subsection (b) to register with the district not later than the 30th days before the date of a district election in order to vote in that district election. Requires the district to file with the county clerk of Maverick County a certified copy of the list of the district's registered voters not later than the 25th day before the date of each district election.

EFFECTIVE DATE: September 1, 2001

HB 561 by Gary Walker Senate Sponsor: Robert Duncan

Relating to the management of and certain actions and proceedings regarding the Glasscock County Underground Water Conservation District.

Changes the name of the district to the Glasscock Groundwater Conservation District, provides that the district is subject to laws of this state relating to groundwater conservation districts, and modifies provisions regarding the election of the district's board of directors.

EFFECTIVE DATE: May 23, 2001

HB 675 by Gary Walker Senate Sponsor: Todd Staples

Relating to the selection and training of certain officers of certain water districts.

Current law requires multiple members of a district to attend training, including elected officials who are designated as treasurer of an organization. This bill establishes new criteria regarding selection and training of certain officers of certain water districts.

EFFECTIVE DATE: May 14, 2001

HB 702 by Ron Lewis Senate Sponsor: Ken Armbrister

Relating to the administration and issuing of bonds and other instruments of indebtedness of Drainage Districts.

Modernizes provisions that have become outdated and modifies provisions relating to the issuance of bonds and other instruments of indebtedness of drainage districts.

EFFECTIVE DATE: September 1, 2001

HB 1258

by Pete Gallego

Senate Sponsor: Frank Madla

Relating to the ratification of the creation of and to the administration, powers, duties, operation, and financing of the Middle Pecos Groundwater Conservation District.

Ratifies the creation of the Middle Pecos Groundwater Conservation District, in Pecos County, created by SB 1911, 76th Legislature subject to approval at a confirmation election. Provides that the district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution

EFFECTIVE DATE: September 1, 2001

HB 1274

by Gene Seaman

Senate Sponsor: Ken Armbrister

Relating to the ratification of the creation of and to the administration, powers, duties, operation, and financing of the Texana Groundwater Conservation District.

Ratifies the creation of the Texana Groundwater Conservation District (district), in Jackson County, subject to approval at a confirmation election. Provides that the district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36 and Section 59 Article XVI, Texas Constitution.

EFFECTIVE DATE: September 1, 2001

HB 1504

by Gary Walker

Senate Sponsor: Teel Bivins

Relating to the well permitting process of groundwater conservation districts.

Amends Section 36.114, Water Code, to require districts to promptly consider and act, rather than pass, on each administratively complete application for a permit. Authorizes an applicant if, within 30 days after the date the administratively complete application is submitted, an application has not been acted on or set for a hearing on a specific date, to petition the district court of the county where the land is located for a writ of mandamus to compel the district to act on the application or set a date for a hearing on the application. Authorizes the district by rule to set a time when an application will expire if the information requested in the application is not provided to the district.

EFFECTIVE DATE: May 24, 2001

HB 1629

by Robby Cook

Senate Sponsor: Ken Armbrister

Relating to the provision of water by the Lower Colorado River Authority to a municipality outside the Colorado River Basin.

Provides for limited sales of water to a “municipality”, including a municipally owned utility, located outside the Colorado River watershed. This is intended for the sale of water to the San Antonio Water System from the “rink dikes proposed by the Lower Colorado River Authority. The bill requires the LCRA to make findings in their contract to sell water under this proposal that there are provisions to ensure protection of the Colorado River watershed and there is consistency with the regional water plans filed with the TWDB. The bill also provides limitations on terms for renewal of contracts for this purpose.

EFFECTIVE DATE: September 1, 2001

HB 1663

by Clyde Alexander

Senate Sponsor: Todd Staples

Relating to the power of the East Cedar Creek Fresh Water Supply District to produce and market agricultural products.

Authorizes the East Cedar Creek Fresh Water Supply District to produce agricultural products other than livestock on property it owns or controls and to market those products.

EFFECTIVE DATE: May 24, 2001

HB1784

by Robby Cook

Senate Sponsor: Steve Ogden

Relating to the ratification, creation, administration, powers, duties, operation, and financing of groundwater conservation districts in and coordinated management of groundwater resources for the central Carrizo-Wilcox area.

Ratifies the creation of the Brazos Valley Groundwater Conservation District in Robertson and Brazos counties creates the Post Oak Savannah Groundwater in Colorado County , and the Mid-East Texas Groundwater Conservation District in Freestone, Madison and Leon counties, subject to approval at a confirmation election., Texas Constitution. The districts have all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, and Section 59, Article XVI

EFFECTIVE DATE: September 1, 2001

HB 1842

by Bill Callegari

Senate Sponsor: Jon Lindsay

Relating to the creation, administration, powers, duties, operation, and financing of the West Harris County Regional Water Authority; granting the power of eminent domain; granting the authority to issue bonds or notes; providing a civil penalty.

Creates the West Harris County Regional Water Authority. The boundaries of West Harris County Water Authority (authority) is located within Area 3 of the Harris-Galveston Coastal Subsidence District (Subsidence District) and a small portion of Fort Bend County.

EFFECTIVE DATE: May 28, 2001

HB 1909

by Robert Junell

Senate Sponsor: Troy Fraser

Relating to the management of and certain actions and proceedings regarding the Lipan-Kickapoo Water Conservation District.

Updates the enabling legislation for the district to allow it to annex the remainder of the Lipan Aquifer.

EFFECTIVE DATE: June 16, 2001

HB 2005

by Frank Corte

Senate Sponsor: Jeff Wentworth

Relating to the creation, administration, powers, duties, operation, and financing of the Trinity Glen Rose Groundwater Conservation District.

Creates the Trinity Glen Rose Groundwater Conservation District (district) in Bexar county, subject to approval at a confirmation election. Provides that the district is created under and is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

EFFECTIVE DATE: June 16, 2001

HB 2032

by Gary Walker

Senate Sponsor: Teel Bivins

Relating to the notice requirements for joint meetings of the boards of water districts.

The Open Meetings Act requires the board of directors of a water district which plans to hold a joint meeting to give 72 hours notice of the meeting in a place readily accessible to the general public. Current law also requires notice of the meeting to be published not later than the 30th day before the date of the meeting in a newspaper with general circulation in each county in the management area, which can be costly and time consuming. This bill removes the 30 day publishing requirement.

EFFECTIVE DATE: June 11, 2001

HB 2572

by Jim McReynolds

Senate Sponsor: Todd Staples

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

Creates the Pineywoods Groundwater Conservation District, coextensive with the boundaries of Angelina and Nacogdoches counties, subject to approval at a confirmation election. Provides that the district is created under and is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

EFFECTIVE DATE: June 16, 2001

HB 2643

by Geanie Morrison

Senate Sponsor: Ken Armbrister

Relating to the ratification of the creation of and to the administration, powers, duties, operation, and financing of the Crossroads Groundwater Conservation District.

Ratifies the Crossroads Groundwater Conservation District in Victoria County created by SB 1911, 76th Legislature, subject to approval at a confirmation election. The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36, Water Code and Section 59, Article XVI, Texas Constitution.

EFFECTIVE DATE: June 16, 2001

HB 2690

by Gary Walker

Senate Sponsor: Todd Staples

Relating to enforcement measures available to groundwater conservation districts.

Boards of a water district are allowed to set reasonable civil penalties for the breach of a rule established by the board. The bill authorizes the board to delineate which penalties the district may seek, and sets limits to court awards. Also provides for the district to recover any attorney's fees and other costs associated with a suit to enforce its rules.

EFFECTIVE DATE: June 11, 2001

HB 2761

by Betty Brown

Senate Sponsor: David Cain

Relating to the conversion of the Kaufman County Municipal Utility District No. 1 to Kaufman County Levee Improvement District No. 4, operating as a levee improvement district.

Provides that the Kaufman County Municipal Utility District No. 1 is converted to a levee improvement district and has the rights, powers, privileges, authority, and functions conferred by Chapter 57 (Levee Improvement Districts), Water Code.

EFFECTIVE DATE: September 1, 2001

HB 3024

by Warren Chisum

Senate Sponsor: Teel Bivins

Relating to the powers of the Panhandle Ground Water Conservation District Number 3, South of the Canadian River.

Currently, the Panhandle Groundwater Conservation District is prohibited from engaging in the sale or distribution of surface or groundwater for any purpose. In addition, the district is not authorized to impose a fee on water transported out of the district. However, if such a fee were imposed, the revenues could be used to conduct detailed hydrological and predictive modeling studies and analyses. The bill removes the provision that prohibits the district from engaging in the sale or distribution of surface or underground water for any purpose and authorizes the district to impose a reasonable fee on water transported out of the district is removed

EFFECTIVE DATE: September 1, 2001

HB 3037

by Gary Walker

Senate Sponsor: Todd Staples

Relating to the regulation of spacing and production of wells by groundwater conservation districts.

Authorizes a district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution (district) by rule, to regulate the spacing of water wells and the production of groundwater by certain requirements and limitations. Also allows the district, in promulgating any rules limiting groundwater production, to preserve historic use prior to the effective date of these rules to the maximum extent practicable consistent with the district's comprehensive management plan under Section 36.1071. Authorizes the district, in regulating the production of groundwater based on tract size or acreage, to consider the service area of a retail water utility. Provides that for purposes of this subsection, "retail water utility" is required to have the meaning provided at Section 13.002, Water Code.

EFFECTIVE DATE: June 15, 2001

HB 3095

by David Counts

Senate Sponsor: Tom Haywood

Relating to the governing body and powers of the Salt Fork Water Quality District.

Authorizes the district to enter into an agreement with a state agency, political subdivision of the state, or other governmental entity to carry out the purposes of the district under terms and conditions to which the parties agree and for a period not to exceed 40 years, subject to renewal and extension if the parties agree.

EFFECTIVE DATE: September 1, 2001

HB 3357 **by Edmund Kuempel** **Senate Sponsor: Ken Armbrister**

Relating to the powers of river authorities engaged in the distribution and sale of electric energy and their relationship with affiliated non-profit corporations.

Currently, board of directors of a river authority engaged in the distribution and sale of electric energy is authorized to create a nonprofit corporation to act on behalf of the river authority as its authority and instrumentality. Such a nonprofit corporation has most of the same powers as the creating river authority, including the issuance of the bonds and public securities. However, it may take time for a newly formed nonprofit corporation to develop credit ratings suitable for the issuance of bonds and other securities. If a creating river authority was authorized to guarantee the obligations of the nonprofit corporation, the potential lower interest rates and improved marketability might reduce costs to the public. The bill authorizes a river authority to guarantee with its own assets public securities and other obligations of a nonprofit corporation established by the authority.

EFFECTIVE DATE: September 1, 2001

HB 3404 **by Tracy King** **Senate Sponsor: Ken Armbrister**

Relating to the classification of the use of water for purposes of fees and regulations imposed by the Edwards Aquifer Authority.

Adds the definitions of "agricultural use" and "nursery grower," for the purpose of clarifying which rate should be charged for a particular use of water.

EFFECTIVE DATE: June 15, 2001

HB 3543 **by Harvey Hilderbran** **Senate Sponsor: Jeff Wentworth**

Relating to the name, elections, duties, powers, operation, and financing of the Headwaters Underground Water conservation District.

Renames the Headwaters Underground Water Conservation District as the Headwaters Groundwater Conservation District (district) and provides for other modifications to conform the district with other groundwater districts.

EFFECTIVE DATE: June 16, 2001

HB 3544 **by Harvey Hilderbran** **Senate Sponsor: Jeff Wentworth**

Relating to the ratification of the creation of and to the administration, powers, duties, operation, and financing of the Cow Creek Groundwater Conservation District.

Ratifies the Cow Creek Groundwater Conservation District in Kendall County subject to approval at a confirmation election The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution,

EFFECTIVE DATE: June 16, 2001

HB 3642

by David Counts

Senate Sponsor: Tom Haywood

Relating to creation, administration, powers, duties, operation, and financing of the Lower Seymour Groundwater Conservation District; authorizing a tax.

Creates the Lower Seymour Groundwater Conservation District, in Jones County, subject to approval of confirmation election. The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution.

EFFECTIVE DATE: June 17, 2001

HB 3651

by Geanie Morrison

Senate Sponsor: Ken Armbrister

Relating to the creation, administration, powers, duties, operation, and financing of the Goliad County Groundwater Conservation District.

Creates the Goliad County Groundwater Conservation District, in Goliad County, subject to approval of confirmation election. The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution.

EFFECTIVE DATE: June 16, 2001

HB 3652

by Geanie Morrison

Senate Sponsor: Ken Armbrister

Relating to the creation, administration, powers, duties, operation, and financing of the Lavaca County Groundwater Conservation District.

Creates the Lavaca County Groundwater Conservation District, in Lavaca County, subject to approval of confirmation election. The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution.

EFFECTIVE DATE: June 16, 2001

HB 3653

by Allan Ritter

Senate Sponsor: David Bernsen

Relating to the creation, administration, powers, duties, operation, and financing of the Jefferson County Waterway and Navigation District and the merger of the Jefferson County Navigation District with that district..

Creates the Jefferson County Waterway and Navigation District and merges it with the Jefferson County Navigation District.

EFFECTIVE DATE: June 17, 2001

HB 3655 by Lois Kolkhorst Senate Sponsor: Steve Ogden

Relating to the creation, administration, powers, duties, operation, and financing of the Bluebonnet Groundwater Conservation District.

Creates the Bluebonnet Groundwater Conservation District, in Grimes, Washington, Waller, Austin, and Walker counties, subject to approval of confirmation election. The district has all the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution.

EFFECTIVE DATE: June 16, 2001

HB 3659 by David Counts Senate Sponsor: Troy Fraser

Relating to the creation, administration, powers, duties, operation, and financing of the Wes-Tex Groundwater Conservation District.

Creates the Wes-Tex Groundwater Conservation District, in Nolan County, subject to approval of a confirmation election. The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution.

EFFECTIVE DATE: September 1, 2001

HB 3665 by Sid Miller Senate Sponsor: David Sibley

Relating to the creation, administration, powers, duties, operation, and financing of the Cross Timbers Groundwater Conservation District.

Creates the Middle Trinity Groundwater Conservation District, in Bosque, Callahan, Coryell, Eastland, Erath, Somervell, Comanche, and Hamilton counties, subject to a confirmation election. The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution.

EFFECTIVE DATE: June 16, 2001

HB 3674 by David Counts Senate Sponsor: Tom Haywood

Relating to the creation, administration, powers, duties, operation, and financing of the Clear Fork Groundwater Conservation District; authorizing a tax.

Creates the Clear Fork Groundwater Conservation District, in Fisher County, subject to approval of a confirmation election. The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution.

EFFECTIVE DATE: June 17, 2001

SB 926 **by Florence Shapiro** **House Sponsor: Madden/McCall/Denny**

Relating to the abolition of the Collin County Water Authority.

The Collin County Water Authority was created in 1982 to provide a countywide water and wastewater authority in unincorporated areas of the county. Since that time, urban growth, assimilation of service areas, and the expansion of the North Texas Municipal Water District has lessened the need for the Collin County Water Authority. The bill abolishes the Collin County Water Authority.

EFFECTIVE DATE: September 1, 2001

SB 1207 **by David Sibley** **House Sponsor: Jim Keffer**

Relating to validating certain actions and the boundaries of the Acton Municipal Utility District.

Validates previous annexations by Acton MUD.

EFFECTIVE DATE: June 16, 2001

SB 1444 **by Buster Brown** **House Sponsor: Gary Walker**

Relating to the general powers and authority of water districts; providing a penalty.

Amends provisions regarding general law districts, water control and improvement districts, municipal utility districts, fresh water supply districts, and levee improvement districts. Provides that a charge or fee by a district concerning a tap or connection to district water, sanitary sewer, or drainage facilities that if made by a district for retail or wholesale service on land that at the time of platting was not being provided with water or wastewater service by the district is not an impact fee. A district is authorized to pledge the revenues of the district's utility system to pay the principal of or interest on bonds issued to construct the capital improvements for which a fee was imposed, and money received from the fees is required to be considered revenues of the district's utility system for purposes of the district's bond covenants. Sets forth exceptions to the applicability of provisions regarding governmental action affecting private property rights. A district or water supply corporation is authorized to require a service applicant and a developer to grant a permanent recorded easement which is not subject to assessments, charges, fees, or dues imposed by a nonprofit organization. A district or water supply corporation is prohibited from requiring an applicant to provide an easement for a service line for the sole benefit of another applicant. Authorizes a district or wastewater supply corporation that operates a wastewater collection system, by rule, to prohibit the installation of private on-site wastewater holding or treatment facilities on land within the district that is not served by the system. A district or corporation that has not received assistance for water supply and sewer service projects in economically distressed areas is prohibited from requiring a property owner who has already installed an on-site wastewater holding or treatment facility to connect to the system. Requires a district that prohibits an installation to reimburse the owner of a particular tract for the costs of connecting the tract to the system under certain circumstances.

EFFECTIVE DATE: June 17, 2001

SB 1629

by Jeff Wentworth

House Sponsor: Robert Puente

Relating to the creation, administration, powers, duties, operation, and financing of Cibolo Canyon Conservation and Improvement District No.1; granting the authority to impose taxes and issue bonds; granting the power of eminent domain.

Creates the Cibolo Canyon Conservation and Improvement District No. 1 in Bexar County, subject to voter approval at a confirmation election. The bill sets forth the boundaries of the district and provides that the district is governed by a board of five directors and sets forth provisions regarding the election, qualifications, and terms of the directors, as well as the names of the five temporary directors. The bill prohibits the confirmation election from being held until a development agreement has been approved by the city.

EFFECTIVE DATE: May 22, 2001

SB 1646

by David Bernsen

House Sponsor: Zeb Zbranek

Relating to conferring on the Coastal Water Authority the power to abandon or deconstruct a canal, ditch, or lateral; changing the qualifications of the authority's board of directors; and authorizing the authority to issue refunding bonds.

Authorizes the authority to abandon certain canals, laterals, or ditches, modifies the residential qualifications of a person appointed to the board of directors of the authority, and authorizes the authority to issue refunding bonds.

EFFECTIVE DATE: September 1, 2001

SB 1686

by Mike Jackson

House Sponsor: Craig Eiland

Relating to the creation of the West Galveston Island Conservation District; providing the authority to impose taxes and issue bonds.

The West Galveston Island Conservation District is created as a special district under Section 59, Article XVI, Texas Constitution. subject to approval at a confirmation election. The bill provides that the district is governed by a board of five directors and sets forth provisions regarding the election, qualifications, and terms of the directors as well as the administration of the board.

EFFECTIVE DATE: June 17, 2001

SB 1758

by Judith Zaffirini

House Sponsor: Judy Hawley

Relating to the boundaries of the Beeville Water Supply District.

Authorizes the board of the Beeville Water Supply District (district) to expand the boundaries of the district by the annexation of additional land. If the City of Beeville annexes territory to include more territory within its boundaries, the board of the district is authorized to consider whether the new territory should also be added to the territory of the district and is also authorized to add the territory by a majority vote of the board or reject the addition of the new territory.

EFFECTIVE DATE: June 16, 2001

SB 1764

by Judith Zaffirini

House Sponsor: Ignacio Salinas

Relating to the ratification of the creation of the McMullen Groundwater Conservation District and to the administration, powers, duties, operation, and financing of the district.

Ratifies the McMullen Groundwater Conservation District in McMullen County created by SB 1911, 75th Legislature, subject to approval at a confirmation election. The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution.

EFFECTIVE DATE: September 1, 2001

SB 1775

by Jon Lindsay

House Sponsor: Paul Hilbert

Relating to the creation, administration, powers, duties, operation, and financing of the Harris County Municipal Utility District No. 386.

Creates a conservation and reclamation district in Harris County, to be known as the Harris County Municipal Utility District No. 386, subject to approval at a confirmation election. Provides that the district is created under and is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

EFFECTIVE DATE: September 1, 2001

SB 1776

by Jon Lindsay

House Sponsor: Paul Hilbert

Relating to the creation, administration, powers, duties, operation, and financing of the Harris County Municipal Utility District No. 387.

Creates a conservation and reclamation district in Harris County, to be known as the Harris County Municipal Utility District No. 387, subject to approval at a confirmation election. The district is created under Section 59, Article XVI, Texas Constitution.

EFFECTIVE DATE: September 1, 2001

SB 1784

by David Bernsen

House Sponsor: Ruben Hope

Relating to the creation, administration, powers, duties, operation, and financing of the East Montgomery County Municipal Utility District No. 3.

Creates a conservation and reclamation district, to be known as the East Montgomery County Municipal Utility District No. 3, in Montgomery County, subject to approval at a confirmation election. Provides that the district is created under and is essential to accomplish the purposes of Section 59, Article XVI (Conservation and Development of Natural Resources; Conservation and Reclamation Districts), Texas Constitution.

EFFECTIVE DATE: September 1, 2001

SB 1796

by Buster Brown

House Sponsor: Al Edwards

Relating to the assumption of road utility district authority by the Baybrook Municipal Utility District No. 1, including the authority to impose taxes and issue bonds.

Currently, the Baybrook Municipal Utility District provides water, sewage, and drainage infrastructure to serve commercial development around the Baybrook Mall in southeast Houston. This authorizes the district to exercise road utility district authority to construct and finance certain road projects.

EFFECTIVE DATE: June 16, 2001

SB 1821

by Todd Staples

House Sponsor: Clyde Alexander

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

Creates the Neches and Trinity Valleys Groundwater Conservation District, in Anderson, Cherokee, and Henderson counties subject to approval at a confirmation election. The boundaries of the district are coextensive with the boundaries of Anderson County, except all of that portion of Anderson County included within the Anderson County Underground Water Conservation District. The district has all of the rights, powers, privileges, authority, functions, and duties provided by Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution.

EFFECTIVE DATE: June 16, 2001

SB 1823

by Ken Armbrister

House Sponsor: Rick Green

Relating to the approval of the creation and acts of Hays County Development District No. 1 and its administration, powers, duties, operation, financing and acquisition of its project.

The Hays County Commissioners Court created the Hays County Development District No. 1 in January 2000. This approves the creation of the Hays County Development District No. 1 and clarifies provisions related to the administration, powers, and duties of the district.

EFFECTIVE DATE: June 17, 2001