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Texas Commission on Environmental Quality (TCEQ)

General Appropriations Act

The total appropriations for the Texas Commission on Environmental Quality for the FY 2006-2007 biennium is approximately \$976 million, an increase of \$45 million from the FY 2004-2005 levels. The agency received an increase in funding for its requested 2006-2007 budget primarily as a result of a contingency appropriation of \$61.3 million to extend the Petroleum Storage Tank Program for an additional year. The program was scheduled to end August 31, 2006.

The agency's appropriations were funded from all funds at \$976 million for the biennium with a decrease of approximately 50 Full-Time Equivalent Positions (FTEs).

Major TCEQ Changes from 2004-2005 Level of Funding

- The amount of General Revenue (GR) and Earned Federal Funds (EFF) that is appropriated to the TCEQ is significantly decreased. The agency will receive approximately \$40 million less in GR and EFF in the 2006-2007 biennium than was appropriated in the previous biennium. The TCEQ will be appropriated \$9.6 million in GR and EFF for the 2006-2007 biennium.
- The decrease in GR is offset by an increased appropriation from the Water Resource Management Account. The total appropriations from the Water Resource Management Account is \$90.4 million for the biennium. Funds from this account support the agency's water programs and water-related activities.
- The Texas Air Quality Study is appropriated \$5.0 million to document, identify, and quantify the emission sources contributing to the transported ozone which causes Texas areas to not meet the 8-hour ozone standard. The Air Study will be concentrating on the eastern half of the state.
- The appropriation for the Low-Income Vehicle Repair Assistance, Retrofit and Accelerated Vehicle Retirement Program (LIRAP) is reduced by \$12 million over the biennium due to spending trends anticipated by the counties. The new biennial total will be \$8 million.
- The Petroleum Storage Tank (PST) program is extended, allowing owners/operators to file PST reimbursement claims through March 1, 2008. The agency will receive an additional \$65.75 million and 54 FTEs in 2007. The total appropriations for all aspects of the PST program for the biennium will be approximately \$177 million, including federal funds.
- The agency is appropriated an additional \$750,000 for the biennium, for a total of \$2.73 million, for activities related to the application for a license to dispose of low level radioactive waste.
- An appropriations of \$250,000 for the biennium is provided to support the activities associated with a new watermaster program for the Concho Valley, plus an additional \$240,000 for the two existing watermaster offices. The total appropriations for the watermaster programs is \$2.156 million for the 2006-2007 biennium.
- Through a memorandum of understanding (MOU), the Texas River Compact Commission is transferred to the TCEQ. The transfer includes the appropriations of \$650,540 in General Revenue for the biennium to the TCEQ, as well as 7.5 FTEs.

- The appropriations for the Title V air permitting program is cut by approximately \$10 million to reflect the expected decrease in the 2006-2007 revenue stream that supports these activities. The biennial appropriations for the program will be \$54.87 million.
- The Texas Emissions Reduction Plan (TERP) program is appropriated \$128.5 million for each year of the biennium. The appropriations breakdown is:
 - ▶ \$116.3 million each year for NOX grants program
 - ▶ \$11.26 million each year for NTRD grants program
 - ▶ \$684,000 each year for administration of NOX grants program
 - ▶ \$250,000 each year for administration of NTRD grants program
- Though the agency's capital budget is reduced by \$871,000 (GR), the authority to purchase vehicles is increased by \$1.2 million.
- The agency receives an appropriations of \$2.4 million to complete waste-tire related clean-up activities in Cass and Ellis counties.

Significant Riders in TCEQ's Bill Pattern

- Provides unexpended balance authority between fiscal years within a biennium.
- Provides the agency with debt collection authority.
- Provides authority for agency to accept gifts of money & equipment and exempts that equipment from the capital budget rider.
- Provides reimbursement of travel expenses for members of specific TCEQ advisory committees.
- Limits the funding for the Onsite Wastewater Treatment Council to \$330,000.
- Appropriates \$99,000 in General Revenue for the composting project in North Bosque and Leon Creek watersheds.

Article IX Riders of Importance to TCEQ

- State employees will receive a 4% increase in annual salary, with a minimum of \$100 per month increase, to begin on September 1, 2005, and an additional 3% increase, with a minimum of \$50 per month increase, to begin on September 1, 2006. Appropriations for these salary increases will be allocated and appropriated to agencies by the Comptroller.
- Increases longevity pay \$20 at two year increments and hazardous duty pay \$10 at one year increments. These increases will be funded by agencies (no additional appropriation).
- All agencies will be required to reduce its FTE cap by 2%. Prior to the 2% cut, the TCEQ's FTE cap is 2,997 in FY2006 and FY2007 (includes the transfer of the River Compact Commission referred to earlier).
- Increases reimbursement rates to \$85 per day for lodging (from \$80) and \$36 per day for meals (from \$25 and \$30, regardless of overnight stay).
- Reduces the appropriation transfer flexibility to 12.5% (from 25%).
- Continues to include TCEQ as one of 20 agencies required to provide \$24,750 each fiscal year for an interagency contract with the Texas Commission for the Deaf and Hard of Hearing for the purpose of funding a regional specialist in all eleven health and human services regions of this state.
- Reduces agency appropriations for each year of the biennium as a result of benefit replacement pay and longevity changes for return to work retirees.
- Allows ERS to collect \$12,500 in 2006 from agencies with the greatest number of employees to conduct a study for implementing a prescription drug importation program. Unless the State Auditor's Office and ERS identify another agency to substitute for TCEQ, TCEQ is included as one of those agencies.
- Replaces Incentive and Productivity Commission with the Council on Competitive Government. Modifies the distribution of the net savings or revenues. Allows the agency to spend 10%, or up to \$5,000, to recognize employees, and retain the remaining amount, up to 90%, for agency operations (instead of 80%), eliminating the requirement to transfer 10% of the funds to Incentive and Productivity Commission.

Summary of Strategies and Method of Finance

		<u>2004-2005</u>	<u>2006-2007</u>
	<u>Strategy</u>		
A.1.1.	Air Quality Assessment and Planning	\$353,062,878	\$363,642,638
A.1.2.	Water Assessment and Planning	\$58,850,272	\$52,816,241
A.1.3.	Waste Assessment and Planning	\$26,969,664	\$26,952,617
A.2.1.	Air Quality Permitting	\$24,613,849	\$22,400,983
A.2.2.	Water Resource Permitting	\$22,908,624	\$22,838,680
A.2.3.	Waste Management Permitting	\$17,109,870	\$17,036,279
A.2.4.	Occupational Licensing	\$9,069,006	\$6,201,233
A.3.1.	Low-Level Radioactive Waste Mgmt	\$2,002,472	\$2,730,853
B.1.1.	Safe Drinking Water	\$16,607,652	\$18,906,791
B.1.2.	Water Utilities Oversight	\$4,910,573	\$4,476,729
C.1.1.	Field Inspections and Complaints	\$73,710,408	\$72,168,165
C.1.2.	Enforcement and Compliance Support	\$22,938,227	\$23,138,592
C.1.3.	Pollution Prevention Recycling	\$14,399,574	\$11,983,556
D.1.1.	Storage Tank Admin and Cleanup	\$125,007,243	\$177,047,704
D.1.2.	Hazardous Materials Cleanup	\$66,807,023	\$65,320,519
E.1.1.	Central Administration	\$36,501,631	\$36,465,238
E.1.2.	Information Resources	\$27,362,435	\$25,075,040
E.1.3.	Other Support Services	\$28,599,072	\$27,096,146
	Total	\$931,430,473	\$976,298,004

Method of Finance

General Revenue Fund	\$46,610,696	\$6,059,945
Earned Federal Funds	\$6,651,864	\$4,211,898
Low Level Waste Account No. 088	\$2,002,472	\$2,730,853
Used Oil Recycling Account No. 146	\$1,822,828	\$1,815,944
Clean Air Account No. 151	\$111,825,251	\$103,873,993
Water Resource Management Account No. 153	\$50,606,289	\$90,416,493
Watermaster Administration No. 158	\$1,708,555	\$2,156,575
TCEQ Occupational Licensing Account No. 468	\$2,904,112	\$3,078,732
Waste Management Account No. 549	\$88,560,860	\$81,616,875
Hazardous and Solid Waste Remediation Fee Account No. 550	\$52,094,744	\$51,928,761
Petroleum Storage Tank Remediation Account No. 655	\$97,748,734	\$158,848,734
Solid Waste Disposal Account No. 5000	\$25,946,551	\$24,372,648
Environmental Testing Laboratory Accreditation Account No. 5065	\$138,000	\$176,000
Texas Emissions Reduction Plan Account No. 5071	\$257,102,655	\$257,041,146
Dry Cleaning Facility Release Account No. 5093	\$14,543,359	\$14,320,605
Operating Permit Fees Account No. 5094	\$64,719,154	\$54,869,154
Federal Funds	\$85,220,242	\$78,255,583
Federal Air Control Board Fund No. 102	\$9,999,230	\$11,958,732
Appropriated Receipts	\$2,813,981	\$17,990,697
Interagency Contracts	\$8,410,896	\$10,574,636
Total	\$931,430,473	\$976,298,004

Number of Full-Time Equivalent Positions (FTEs):	2004 = 2957.9	2006 = 2997.0
	2005 = 3039.5	2007 = 2997.0

Appropriations Bills

HB 10 **by Pitts** **Senate Sponsor: Ogden**

Relating to making supplemental appropriations and reductions in appropriations.

Makes adjustments in appropriations for various state agencies. Includes an appropriation of \$25 million in FY05 to pay PST reimbursements.

Effective Date: June 18, 2005

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

General Appropriations Bill.

General Appropriations Bill.

Effective Date: September 1, 2005

SB 1605 **by Ogden** **House Sponsor: Luna**

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.

Identifies funds and fees that are created, recreated, or dedicated in the current legislative session.

Effective Date: June 18, 2005

Agency Programs

Air

HB 39 **by Eissler** **Senate Sponsor: Staples**

Relating to outdoor burning of household refuse; creating an offense.

Makes it a Class C misdemeanor to burn refuse in certain counties on a lot that is located in a neighborhood or is smaller than five acres. The prohibition only applies to unincorporated areas of certain counties.

Effective Date: September 1, 2005

HB 965 **by Haggerty** **Senate Sponsor: Jackson**

Relating to a prohibition on the regulation of emissions from residential water heaters.

Directs the TCEQ to study the technical and economic feasibility of regulation of residential water heaters. The study is to be completed by December 2005. The rule governing the regulation of these water heaters is to be repealed by December 31, 2006 if the study concludes their use is not feasible. If the rule is repeal, then any emission reductions from these water heaters are to be replaced by emission reductions from the same category of emissions.

Effective Date: September 1, 2005

HB 1540 **by Bonnen** **Senate Sponsor: Williams**

Relating to the regulation by the Texas Commission on Environmental Quality of the idling of a motor vehicle while the driver is using the vehicle's sleeper berth.

Prohibits the TCEQ from prohibiting or limiting the idling of a motor vehicle when idling is necessary to power a heater or air conditioner while a driver is using the vehicle's sleeper berth for a government-mandated rest period. Prohibits a driver using the vehicle's sleeper berth from idling the vehicle in a school zone or within 1,000 feet of a public school during its hours of operation. Requires an offense under this subsection to be punishable by a fine not to exceed \$500. Provides that this section expires September 1, 2007.

Effective Date: September 1, 2005.

HB 1611 **by Chisum** **Senate Sponsor: Armbrister**

Relating to the use of money for the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program.

Provides for the transfer of fee revenue to a subaccount within the Clean Air Account , not to exceed \$20 million, that was collected for LIRAP, but not appropriated. Counties would receive 70% of the transferred funds to conduct elements of an enhanced LIRAP, as well as other air quality related activities. TCEQ would receive 30% of the funds to be used for TERP NOX emission reduction grants. The 5% limit on administrative costs for counties is repealed and the counties can use these funds to support programmatic expenses.

Effective Date: June 18, 2005

HB 2129 **by Bonnen** **Senate Sponsor: Armbrister**

Relating to energy-saving measures that reduce the emission of air contaminants.

Requires the Energy Systems Laboratory at the Texas Engineering Experiment Station of The Texas A&M University System (TEES) to develop at least three alternative methods for achieving a 15 percent greater potential energy savings in residential, commercial, and industrial construction than the potential energy savings of construction. Requires the State Energy Conservation Office (SECO) to determine the feasibility and cost-benefit to consumers of setting appliance standards for appliances that are not currently regulated for energy efficiency in this state, if the office determines that the new standards would reduce the emission of air contaminants. Includes language amending requirements addressing emission events. Provides additional TERP funding to TEES from the Texas Environmental Research Consortium (TERC) funds and provides for securing emission reduction credits for the Houston/Galveston/Brazoria area through energy efficiencies in connection with the eight-hour SIP.

Effective Date: September 1, 2005

HB 2201 **by Hughes** **Senate Sponsor: Estes**

Relating to implementing a clean coal project in this state.

Creates a more predictable and streamlined permitting process for the key components of the FutureGen project to better position Texas in the competition for the project. Requires the TCEQ by rule, as authorized by federal law, to implement reasonably streamlined processes for issuing permits required to construct a component of the FutureGen project designed to meet the FutureGen emissions profile.

Effective Date: June 18, 2005

HB 2481 **by Bonnen** **Senate Sponsor: Harris**

Relating to the Texas emissions reduction plan, including the use of money currently dedicated to the Texas emissions reduction plan fund.

Extends the TERP program until 2010. Beginning in FY 2006, a Houston based non-profit organization administers the New Technology Research and Development (NTRD) program and is provided all funding appropriated for NTRD grants in FY 2006, 2007, and 2008, except for TCEQ's annual administrative costs of \$250,000. In September 2008 (FY 2009), the allocation of the TERP revenues is revised, as follows: NOX emission reductions grants program - 64% of total (previously 87.5%); and NTRD grants program - 33% of total (previously 9.5%) - the TCEQ and TERC will both receive these funds, TERC 25.5% and TCEQ the balance. Beginning in September 2008 (FY 2009), revenues from the vehicle title transfer fee are deposited to TERP (\$5 from each transaction) and to the Texas Mobility Fund (\$15/10 from each transaction, depending on location in state), with TxDOT reimbursing the TERP fund for all revenues from vehicle title fee deposited to Mobility fund in FY 2009 and 2010.

Requires TCEQ to establish cost-effective limits for NOX emission grants awarded for locomotives and marine vessels and to determine the amount of reductions available from locomotives and marine vessels and develop a strategy to facilitate those reductions. Establishes a rebate program for NOX emission reductions grants, with guidance documents available no later than January 1, 2006, and requires the Systems Laboratory (TEES) to assist the TCEQ in quantifying credits for emission reductions attributable to energy efficiencies, including renewable energy.

The TCEQ is required to adopt rules to comply with certain sections of the federal Clean Air Act (CAIR and Mercury) and provides specific requirements for the rules.

Effective Date: September 1, 2005

HB 2949 **by Geren** **Senate Sponsor: Lucio**

Relating to the authority of the TCEQ to issue an emergency order authorizing certain action in the event of a catastrophe.

Allows TCEQ to issue emergency orders to authorize the temporary relocation and repair or reconstruction of public works projects that have been damaged or destroyed due to unforeseen acts of nature or other emergencies.

Effective Date: September 1, 2005

HB 3469 **by Hochberg** **Senate Sponsor: Barrientos**

Relating to the establishment of a program to provide grants to be used to reduce emissions of diesel exhaust from school buses and to the use of the Texas emissions reduction plan to fund the program.

Directs the Texas Commission on Environmental Quality to administer the Clean School Bus Program and allows the use of up to 4% of the TERP NO_x emission reductions grant monies to support the clean school bus program to achieve reductions of emissions of diesel exhaust. Specifies that grant monies will be made available for Clean School Bus program only after projects associated with SIP requirements have been met or the revenue collected for the year exceeds the Comptroller's biennial revenue estimate (BRE).

Allows the agency to provide grants under the Clean School Bus program to offset the incremental cost of projects that reduce emissions from diesel exhaust. Projects qualifying under the Clean School Bus program include: diesel oxidation catalysts; diesel particulate filters; purchase and use of emission-reducing add-on equipment; use of qualifying fuels; and other technologies that result in significant emission reductions.

The agency may adopt guidelines allowing COGs, or a private nonprofit organization to receive grants under the Clean School Bus program and develop eligibility criteria, as well as application forms, for these grants. Grant money awarded under this program cannot be used to pay administrative expenses.

Effective Date: June 17, 2005

SB 784 **by Shapleigh** **House Sponsor: Haggerty**

Relating to the acceptance by the Texas Commission on Environmental Quality of certain emissions reductions in exchange for other emissions reductions.

Allows the TCEQ greater discretion in its authorization of substitute emissions reductions achieved outside the United States to satisfy other emissions reduction requirements.

Effective Date: September 1, 2005

SB 1032 **by Ellis** **House Sponsor: Swinford**

Relating to the elimination of certain alternative fuels programs of this state.

Repeals the Texas Clean Fleet Program from state statute, since state standards have been superseded by cleaner federal standards for fleet vehicles.

Effective Date: September 1, 2005

SB 1710 **by Staples** **House Sponsor: Bonnen**

Relating to outdoor burning under the Texas Clean Air Act.

Requires the TCEQ to authorize by rule outdoor burning of trees, brush, grass, leaves, branch trimmings, or other plant growth if the burning occurs in an area that is in attainment with NAAQS and is burned on the property where it was generated by the owner of the property. The bill prohibits the rules from requiring prior commission approval of the burning and may not authorize the burning only when no practical alternative to burning exists.

Effective Date: September 1, 2005

SB 1740 **by Staples** **House Sponsor: Bonnen**

Relating to construction activities allowed while an application is pending with the Texas Commission on Environmental Quality.

Authorizes applicants seeking a permit amendment to begin construction prior to a final decision by the TCEQ. Specifies that the applicant assumes responsibility for proceeding before receiving a final decision, and prohibits the TCEQ from considering construction efforts when evaluating the merits of the amendment application. If a standard permit for a facility requires a setback or buffer, the determination of whether that requirement is satisfied is based on the earlier of: (1) the date new construction, expansion, or modification of a facility begins; or (2) the date any application or notice of intent is first filed with the commission.

Effective Date: September 1, 2005

Waste

HB 580 **by Smith, W.** **Senate Sponsor: Gallegos**

Relating to the authority of a county to provide hazardous materials services.

Authorizes counties to provide hazardous materials services, including response to incidents that involve leaked, spilled, and abandoned hazardous materials. Also authorizes a county, or a person authorized by contract on the county's behalf, to charge a reasonable fee, including a fee to offset the cost of providing control and containment measures.

Effective Date: September 1, 2005

HB 1053 **by Hope** **Senate Sponsor: Staples**

Relating to the location of municipal solid waste landfills.

Prohibits the TCEQ from issuing a permit for a new municipal solid waste landfill or an aerial expansion of certain landfills in Montgomery County unless certain criteria is met.

Effective Date: June 18, 2005

HB 1287 **by Leibowitz** **Senate Sponsor: Madla**

Relating to county abatement of a public nuisance.

Allows a county to prevent illegal dumping in certain circumstances and expedites a county's ability to address illegal dumping and improve cost recovery.

Effective Date: September 1, 2005

HB 1609 **by Chisum** **Senate Sponsor: Seliger**

Relating to the allowed wastes and exemptions applicable to certain municipal solid waste landfill units in arid areas.

Authorizes small municipal solid waste landfills which meet certain arid exemption criteria (commonly referred to as arid exempt landfills) to accept up to 20 tons of construction and demolition waste in addition to the 20 tons of municipal solid waste accepted per day. Includes changes to TCEQ's MSW public meeting requirement.

Effective Date: September 1, 2005.

HB 1705 **by Bonnen** **Senate Sponsor: Armbrister**

Relating to the release of a solid waste in connection with dredging and placement or storage of dredged material by a political subdivision.

Establishes that dredging activities are a governmental function and that the governmental entity is not a generator of hazardous waste by its actions in dredging or placement of sediment.

Effective Date: June 17, 2005

HB 2131 **by Phillips** **Senate Sponsor: Estes**

Relating to the demonstration of financial assurance by a local government in relation to the operation of a municipal solid waste landfill facility.

Provides that a local government that owns or operates a municipal solid waste landfill facility regulated by this chapter is considered to have satisfied all requirements of the TCEQ for the demonstration of financial assurance in relation to closure, post closure, or corrective action, notwithstanding any requirement of TCEQ for the demonstration of financial assurance, if the local government establishes and passes a financial test in accordance with TCEQ rules and demonstrates that the outstanding bonds of the local government that are not secured by insurance, a letter of credit, or any other collateral or guarantee have a specific current rating.

Effective Date: May 24, 2005

HB 2466 **by Swinford** **Senate Sponsor: Ellis**

Relating to recycling market development.

Eliminates the Texas Recycling Market Development Board and establishes joint coordination of recycling activities by the TCEQ and the Texas Building and Procurement Commission (TBPC) with the entities maintaining the functions and activities of the board.

Effective Date: September 1, 2005

HB 2510 **by Bonnen** **Senate Sponsor: Jackson**

Relating to the regulation of on-site sewage disposal systems and the maintenance of those systems; imposing administrative and criminal penalties.

Allows home owners to maintain their own aerobic on-site sewage disposal systems. Allows the TCEQ or authorized agent to require maintenance companies to inspect systems and provides a penalty for noncompliance. Provides for maintenance training for homeowners and for maintenance with the sale of a residence on an aerobic system. Requires the owner of a single family residence using an OSSF who elects to maintain the system directly to obtain training from the installer or manufacturer as specified by rule not to exceed 6 hours. Homeowners are subject to the same inspection and reporting requirements as maintenance providers if they self maintain their systems. Provides for inspections of these systems by TCEQ or authorized agents, not to exceed once every five years, and requirements for violations. A person maintaining an aerobic OSSF, for profit, is required to be certified by the manufacturer who must offer the certification to all persons on the same terms. Certification requires up to 32 hours of training. Neither the commission nor an authorized agent may dictate to a manufacturer who may be authorized to maintain a system or provide training.

Effective Date: September 1, 2005

HB 2651 **by Krusee** **Senate Sponsor: Ogden**

Relating to the authority of the Texas Natural Resource Conservation Commission to regulate a subsurface area drip dispersal system as a separate category of commercial, industrial, and municipal non-hazardous liquid waste disposal.

Establishes a new program at the TCEQ regarding the availability of a new type of waste disposal, a subsurface area drip dispersal system, as a separate category of commercial, industrial, and municipal non-hazardous liquid waste disposal. By July 31, 2006, TCEQ must create rules separate from the underground injection category and sets up a permitting system for subsurface drip dispersal systems.

Effective Date: June 17, 2005

HB 2793 **by Bonnen** **Senate Sponsor: Jackson**

Relating to the removal and collection of convenience switches from motor vehicles.

Establishes a voluntary convenience switch removal and collection program to be administered by the TCEQ. Develops plans for the removal, storage, recycling of mercury-containing switches in end-of-life vehicles in Texas. Requires TCEQ to issue recommendations annually to address improving the capture rate for switches and provides incentives for removal of switches including on-site technical assistance, compliance history classification adjustments and other incentives provided in section 5.755, Water Code.

Effective Date: August 29, 2005

SB 1281 **by Armbrister** **House Sponsor: Bonnen**

Relating to the regulation and permitting of a commercial industrial solid waste facility connected to a publicly owned treatment works facility.

Prohibits a commercial industrial solid waste facility from receiving industrial solid waste for discharge into a publicly owned treatment works facility without first obtaining a certain permit from the TCEQ. Provides that this section does not require a commercial industrial solid waste facility to obtain a permit to receive for discharge into a publicly owned treatment works facility liquid wastes that are incidental to the handling, processing, storage, or disposal of solid wastes at a municipal solid waste facility or commercial industrial solid waste landfill facility.

Effective Date: September 1, 2005

SB 1298 **by Armbrister** **House Sponsor: Talton**

Relating to restrictions on the transfer of a fuel tank to a metal recycling entity.

Provides an exception to the restriction on the transfer of a fuel tank to a metal recycling entity if the fuel tank has been completely drained and rendered unusable, regardless of whether the fuel tank is attached to a motor vehicle. Requires TCEQ to adopt standards defining fuel tanks that are completely drained and unusable no later than December 1, 2005.

Effective Date: September 1, 2005

SB 1299 **by Armbrister** **House Sponsor: Talton**

Relating to an exception to the prohibition against commingling used oil with solid waste if the commingling is incident to the dismantling of scrap, used, or obsolete metals.

Provides that a person commits an offense if the person knowingly mixes or commingles used oil with solid waste that is to be disposed of in landfills or directly disposes of used oil on land or in landfills, unless mixing or commingling of used oil with solid waste that is to be disposed of in landfills is incident to the unavoidable result of the dismantling or mechanical shredding of motor vehicles, appliances, or other items of scrap, used, or obsolete metals.

Effective Date: September 1, 2005

Water

HB 467 **by Bailey** **Senate Sponsor: Gallegos**

Relating to the financing of water and sewer programs in disadvantaged areas.

Modifies current eligibility requirements for communities to qualify for funding under the Economically Distressed Areas Program (EDAP) operated by the TWDB.

Effective Date: September 1, 2005

HB 578 **by Campbell** **Senate Sponsor: Armbrister**

Relating to the inclusion in a regional water plan of information regarding water infrastructure facilities that may be used in an emergency shortage of water.

Requires regional planning groups to submit to the TWDB a regional water plan that identifies existing major water infrastructure facilities that may be used for interconnections in the event of an emergency shortage of water.

Effective Date: September 1, 2005

HB 1224 **by Puente** **Senate Sponsor: Duncan**

Relating to study of effects of take or pay contracts on water conservation.

Requires the TWDB to conduct a study to determine the effects, if any, of take-or-pay contracts on efforts to conserve water. Finding and recommendations must be submitted to the legislature by January 1, 2007.

Effective Date: June 17, 2005

HB 1225 **by Puente** **Senate Sponsor: Duncan**

Relating to the grounds for an exemption from cancellation of a water right for non use.

Authorizes TCEQ to exempt a state water right from cancellation for non-use if the non-use resulted from a water conservation measure that was part of a water conservation plan submitted by the water right holder.

Effective Date: June 18, 2005

HB 1599 **by Callegari** **Senate Sponsor: Lindsay**

Relating to a conservation and reclamation district's use of money received under a contract with a municipality.

Authorizes a district receiving funds from a municipality pursuant to the provisions of a contract with a municipality, including a strategic partnership agreement, to use such funds for any lawful purpose of either the district or the applicable municipality, unless required otherwise by the applicable contract.

Effective Date: September 1, 2005

HB 2428 **by Puente** **Senate Sponsor: Armbrister**

Relating to water and energy saving performance standards for commercial prerinse spray valves.

Requires the TCEQ to make and maintain a current list of commercial prerinse spray valves that are certified to TCEQ by the manufacturer or importer to meet the performance standards. Authorizes TCEQ to test a listed commercial prerinse spray valve to determine the accuracy of the manufacturer's or importer's certification and requires the removal from the list of a prerinse spray valve that TCEQ determines to be inaccurately certified and authorizes TCEQ to assess a reasonable fee for the inspection. Requires a fee received by TCEQ under this subsection to be deposited in the state treasury to the credit of the water resource management account.

Effective Date: January 1, 2006

HB 2430 **by Puente** **Senate Sponsor: Armbrister**

Relating to the establishment of a rainwater harvesting evaluation committee.

Requires the TWDB to establish a Rainwater Harvesting Evaluation Committee dedicated to studying the feasibility of using rainwater as a source of water supply. Requires TCEQ to establish recommended standards relating to the domestic use of harvested rainwater, including health and safety standards for treatment and collection methods for harvested rainwater intended for drinking, cooking, or bathing.

Effective Date: June 17, 2005

HB 2815 **by Campbell** **Senate Sponsor: Madla**

Relating to the Concho River Watermaster Program.

Establishes the Concho River Watermaster Program as a part of the existing South Texas Watermaster Program. Directs the South Texas Watermaster to appoint a deputy that is to reside in the Concho program area.

Effective Date: September 1, 2005

HB 3029 **by Strama** **Senate Sponsor: Barrientos**

Relating to eligibility of certain rural areas for certain state assistance.

Makes the Pilot Program for Water and Wastewater Services permanent and expands the program to allow statewide access for certain communities that need water and wastewater services.

Effective Date: June 18, 2005

SB 343 **by Brimer** **House Sponsor: Geren**

Relating to county authority to regulate the placement of water wells in unincorporated areas of the county; providing a penalty.

Authorizes a commissioners court of a county with a population of 1.4 million or more to regulate, by order, the placement of private water wells in the unincorporated area of the county to prevent certain occurrences.

Effective Date: September 1, 2005

SB 1297 **by Armbrister** **House Sponsor: Talton**

Relating to the elements of the criminal offense of discharging used oil into water in the state.

Provides that a person does not commit an offense of discharging used oil into a drainage system, surface water, groundwater, or watercourse, or marine water if the concentration of used oil in the waste stream as it enters the water is less than 15 parts per million following the discharge and the person is authorized to discharge storm water under a general permit under the Water Code.

Effective Date: September 1, 2005

SB 1354 **by Estes** **House Sponsor: Keffer, J.**

Relating to the protection of water quality in watersheds threatened by quarry activities; establishing a pilot program; providing a penalty.

Requires the TCEQ to initiate a 25-year pilot program that requires the commission to issue both general and individual permits for quarry operations in a designated area of Segment 1206 of the Brazos River Basin. Outlines enforcement penalties and procedures for violations of the statute. Gives the commission temporary and permanent shutdown authority for facilities without proper authorization, facilities that have an unauthorized discharge, or facilities without proper financial assurance.

Effective Date: June 17, 2005

SB 1707 **by Staples** **House Sponsor: McReynolds**

Relating to the regulation of poultry facilities.

Removes dry litter poultry operations from the TCEQ CAFO permit requirements. Clarifies that the Texas State Soil and Water Conservation Board has the authority to provide technical conservation planning assistance to dry litter facilities who are required to have a water quality permit coverage under the Clean Water Act.

Effective Date: September 1, 2005

Administration & Remediation

HB 1987 **by Bonnen** **Senate Sponsor: Armbrister**

Relating to the regulation of underground and aboveground storage tanks.

Extends the PST reimbursement program by two years and provides for a possible transfer of these sites to the State-Lead program after September 2007. It also extends the deadline from March 1, 2006 to March 1, 2008 to file reimbursement claims for PST clean ups and from September 1, 2006 to September 2008, to pay claims from the PST Fund. Requirements are provided to remain eligible for the PST reimbursement program and extends the final closure date from September 1, 2005 to September 1, 2007. It also allows sites, where an extension has been granted, to be placed in the PST state-lead program if corrective actions cannot be completed by September 1, 2007 and rather than decreasing each year, the bulk delivery fee assessment for FY 2006 and 2007 is maintained at the FY 2005 level.

The agency is now authorized to pay non pre-approved claims. It requires that an owner or operator of an underground storage tank may comply with certification statutes by obtaining a current copy of the certificate from the Internet website of the Texas Commission on Environmental Quality (TCEQ) and the definition of subsurface soil does not include backfill material unless free phase petroleum product is present in the backfill material.

Effective Date: September 1, 2005

HB 2376 **by Elkins** **Senate Sponsor: Jackson**

Relating to the environmental regulation and remediation of dry cleaning facilities.

Clarifies existing language in statute and modifies the Dry Cleaner Remediation Program (DCRP). Provides that an owner of a dry cleaning facility who files an option not to participate in the dry cleaning facility release fund on or before February 28, 2006, and whose facility is designated as nonparticipating by the TCEQ is entitled to a credit against future registration fees to the extent that surplus fees were paid in 2004 or 2005 exceeded the amount due for a nonparticipating dry cleaning facility. Requires the TCEQ to adopt rules on registration of Non-participating dry cleaning facilities no later than February 28, 2006. Some of the other changes to the Program include: 1) provide for the reimbursement of travel expenses for advisory committee members; 2) allow small business that used chlorinated solvents until January 1, 2015, to install secondary containment devices; 3) limit the applicability of storage, disposal, and secondary containment performance standards to chlorinated solvents only, and require secondary containment on all new or replaced dry cleaning units regardless of solvent used; 4) allow the TCEQ to spend up to 15 percent of fund revenue on administrative expenses, up from 10 percent under previous law for fiscal years 2006 and beyond; 5) allow for registration fees to be paid in quarterly installments, clarify that the registration fees are annual fees, and establish a new registration fee schedule; 6) require solvent distributors to register with the commission, and allow distributors to withhold one percent of solvent fees collected for administrative expenses; 7) allow both drop stations and facilities the option not to participate, and extend the deadline to file an option not to participate to February 28, 2006; 8) allow a \$50 per day penalty for both late fee payment and late filing of registration application; and, 9) repeal the following: definition of a carbon dioxide facility; expiration of facility retrofitting subsection; exemption of carbon dioxide facility from bond requirement; entry onto property provisions; and the proportionate liability provisions.

Effective Date: September 1, 2005

SB 444 **by Staples** **House Sponsor: Elkins**

Relating to registration fee credits for the owners of certain dry cleaning facilities that do not participate in the dry cleaning facility release fund.

Clarifies existing language in statute and modifies the Dry Cleaner Remediation Program (DCRP). Provides that an owner of a dry cleaning facility who files an option not to participate in the dry cleaning facility release fund on or before February 28, 2006, and whose facility is designated as nonparticipating by the TCEQ is entitled to a credit against future registration fees to the extent that surplus fees were paid in 2004 or 2005 exceeded the amount due for a nonparticipating dry cleaning facility. Requires the TCEQ to adopt rules on registration of Non-participating dry cleaning facilities no later than February 28, 2006. Some of the other changes to the Program include: 1) provide for the reimbursement of travel expenses for advisory committee members; 2) allow small business that used chlorinated solvents until January 1, 2015, to install secondary containment devices; 3) limit the applicability of storage, disposal, and secondary containment performance standards to chlorinated solvents only, and require secondary containment on all new or replaced dry cleaning units regardless of solvent used; 4) allow the TCEQ to spend up to 15 percent of fund revenue on administrative expenses, up from 10 percent under previous law for fiscal years 2006 and beyond; 5) allow for registration fees to be paid in quarterly installments, clarify that the registration fees are annual fees, and establish a new registration fee schedule; 6) require solvent distributors to register with the commission, and allow distributors to withhold one percent of solvent fees collected for administrative expenses; 7) allow both drop stations and facilities the option not to participate, and extend the deadline to file an option not to participate to February 28, 2006; 8) allow a \$50 per day penalty for both late fee payment and late filing of registration application; and, 9) repeal the following: definition of a carbon dioxide facility; expiration of facility retrofitting subsection; exemption of carbon dioxide facility from bond requirement; entry onto property provisions; and the proportionate liability provisions.

Effective Date: June 17, 2005

SB 485 **by Armbrister** **House Sponsor: Bonnen**

Relating to the regulation of underground and aboveground storage tanks.

Extends the PST reimbursement program by two years and provides for a possible transfer of these sites to the State-Lead program after September 2007. It also extends the deadline from March 1, 2006 to March 1, 2008 to file reimbursement claims for PST clean ups and from September 1, 2006 to September 2008 to pay claims from the PST Fund. Requirements are provided to remain eligible for the PST reimbursement program and extends the final closure date from September 1, 2005 to September 1, 2007. It also allows sites, where an extension has been granted, to be placed in the PST state-lead program if corrective actions cannot be completed by September 1, 2007, and rather than decreasing each year, the bulk delivery fee assessment for FY 2006 and 2007 is maintained at the FY 2005 level.

It requires that an owner or operator of an underground storage tank may comply with certification statutes by obtaining a current copy of the certificate from the Internet website of the TCEQ and the definition of subsurface soil does not include backfill material unless free phase petroleum product is present in the backfill material.

Effective Date: September 1, 2005

SB 739 **by Lucio** **House Sponsor: Chisum**

Relating to the payment of certain administrative penalties assessed by the Texas Commission on Environmental Quality under an installment payment schedule.

Allows the TCEQ the discretion to establish an installment payment plan for administrative penalties assessed against a regulated entity after a hearing.

Effective Date: September 1, 2005

SB 867 **by Staples** **House Sponsor: Otto**

Relating to the application of the motor vehicle sales tax emissions reduction surcharge on certain recreational vehicles.

Exempts RVs from the motor vehicle sales tax emissions reduction surcharge.

Effective Date: September 1, 2005

SB 1863 **by Ogden** **House Sponsor: Pitts**
Article 5

Relating to certain fiscal matters affecting governmental entities; providing a penalty.

Article 5 of this legislation extends the PST reimbursement program by two years and provides for a possible transfer of these sites to the State-Lead program after September 2007. It also extends the deadline from March 1, 2006 to March 1, 2008 to file reimbursement claims for PST clean ups and from September 1, 2006 to September 2008 to pay claims from the PST Fund. Requirements are provided to remain eligible for the PST reimbursement program and extends the final closure date from September 1, 2005 to September 1, 2007. It also allows sites, where an extension has been granted, to be placed in the PST state-lead program if corrective actions cannot be completed by September 1, 2007.

Rather than decreasing each year, the bulk delivery fee assessment for FY 2006 and 2007 is maintained at the FY 2005 level.

Effective Date: August 29, 2005; Article 13 - September 1, 2005.

Employment & Benefits

HB 70 **by McClendon** **Senate Sponsor: Wentworth**

Relating to the expedited payment of the lump-sum death benefit for members of the Employees Retirement System of Texas.

Requires the board of trustees of the Employee Retirement System (ERS) to adopt procedures to provide payment of the death benefit within seven days of the date the board receives the required proof of death.

Effective Date: May 30, 2005

HB 417 **by Delisi** **Senate Sponsor: Williams**

Relating to a supplemental health coverage program under the Texas Employees Group Benefits Act for certain persons.

Authorizes the ERS to offer a TRICARE supplemental policy to state employees as an alternative to the state's standard health care benefits package.

Effective Date: May 27, 2005

HB 481 **by Hochberg** **Senate Sponsor: Zaffirini**

Relating to the eligibility for partial unemployment benefits of certain persons with disabilities who have been discharged from partial employment.

Allows persons with disabilities who are seeking part-time work to be eligible to receive partial unemployment benefits.

Effective Date: June 17, 2005

HB 912 **by Isett** **Senate Sponsor: Ellis**

Relating to the maximum cost of certain awards presented to state agency employees for professional achievement or outstanding service.

Prohibits the cost of employee recognition awards purchased by a state agency from exceeding \$100, rather than \$50, for an individual employee .

Effective Date: May 30, 2005

HB 952 **by Delisi** **Senate Sponsor: Barrientos**

Relating to a pilot program to provide health services to state employees in state office complexes.

Requires the ERS to develop and implement a pilot program to make available a licensed advanced practice nurse to provide authorized on-site health services at the TCEQ Park 35 Campus.

Effective Date: September 1, 2005

HB 2716 **by Swinford** **Senate Sponsor: Eltife**

Relating to equal employment opportunity reports.

Requires equal employment opportunity reports and personnel policy statements required to be filed with the governor, notwithstanding any other law, to be filed with the Texas Workforce Commission civil rights division and a report required to be compiled by the governor based on those equal opportunity reports and personnel policy statements and filed with the legislature to be compiled by the Texas Workforce Commission civil rights division and filed with the governor and the legislature.

Effective Date: June 18, 2005

HB 2772 **by Farabee** **Senate Sponsor: Duncan**

Relating to health savings accounts and high-deductible health plans and similar programs implemented as a part of the group benefits program of the Employees Retirement System of Texas.

Directs ERS to evaluate the long-term impact of implementation of HSAs and HDHPs within the group benefits program on future costs and benefits and access to quality health care and provider availability.

Effective Date: June 17, 2005

HB 2932 **by Delisi** **Senate Sponsor: Zaffirini**

Relating to requiring state agency purchasing personnel to disclose certain family relationships with business entities receiving certain state agency contracts.

Requires each of the state agency's purchasing personnel working on a contract to disclose certain information in writing, before a state agency can award a major contract for the purchase of goods or services to a business entity.

Effective Date: September 1, 2005

SB 1176 **by Armbrister** **House Sponsor: Eiland**

Relating to systems and programs administered by the Employees Retirement System of Texas.

Omnibus bill for the ERS. Reduces from a maximum of 60 months of membership service credit to a maximum of 36 months of membership credit; retiree or beneficiary may receive a lump-sum payment in lieu of receiving an annuity if the actuarial present value of the annuity at the time of retirement or death does not exceed \$20,000. Provisional changes in retirement eligibility for contributing members who become permanently disabled for a non-occupational disability or incapacitated for an occupational disability. Also, provides for statutory changes that will improve the actuarial status of the ERS retirement fund. This legislated change should help to accelerate benefit increases for retirees.

Effective Date: September 1, 2005; Section 7 - September 1, 2006; Section 33 - March 1, 2008.

SB 1345 **by Van de Putte** **House Sponsor: Berman**

Relating to the amount of emergency leave granted by state agencies to state employees on unpaid military leave.

Authorizes the administrative head of a state agency to grant sufficient emergency leave as differential pay to a state employee on unpaid military leave if the employee's military pay, rather than military gross pay, is less than the employee's state gross pay.

Effective Date: June 17, 2005

SB 1863 **by Ogden** **House Sponsor: Pitts**
Article 4

Relating to certain fiscal matters affecting governmental entities; providing a penalty.

Sets forth certain statutory changes necessary to comply with assumptions made in the General Appropriations Act, respond to state fiscal concerns, and address certain fiscal matters. Employees who retire after 6/1/05 or who have not returned to work by 9/1/05 will be ineligible for longevity, benefit replacement pay (BRP), and will accrue annual leave as if they are new employees. Allows employees and retirees who can demonstrate that they have comparable coverage to waive ERS health insurance and receive credit to purchase up to \$60 a month in optional health coverage.

Effective Date: August 29, 2005; Article 13 - September 1, 2005.

General Government

HB 22 **by Brown, F.** **Senate Sponsor: Shapiro**

Relating to the disposition of state agency surplus or salvage property.

Amends Subchapter E, Chapter 2175, Government Code, to allow the donation of property to nonprofit organizations as an alternative to destruction in instances where an agency cannot otherwise sell or dispose of the property, or has determined that the property does not have a resale value. Also amends the definition of “assistance organization” to include a nonprofit organization that provides affordable housing; allows the comptroller to remove property from the accounting records upon donation of that property; and allows a university system or an institution of higher education to donate any surplus or salvage property to an assistance organization.

Effective Date: May 24, 2005

HB 26 **by Delisi** **Senate Sponsor: Zaffiniri**

Relating to an electronic database of major state contracts and related documents.

Establishes a policy of making state contract documents generally available in an online format on a key-word searchable website.

Effective Date: June 17, 2005

HB 423 **by Delisi** **Senate Sponsor: Eltife**

Relating to the online availability of certain state publications.

Requires state agencies that distribute free publications to make those publications accessible on the agency’s website. Also requires agencies to include, with mailed publications, a notification that a publication is available online and to inform the subscriber that they may access the publication via the agency’s website, if preferred.

Effective Date: September 1, 2005

HB 762 **by Nixon** **Senate Sponsor: Ellis**

Relating to the solicitation by state officers and employees of and recommendations regarding contributions to charitable organizations and governmental entities.

Provides that the solicitation or recommendation of contributions to a 501(c)(3) charity by a state officer or employee are not subject to the gift provisions of the Penal Code, nor are they an illegal campaign contribution or subject to the lobby law. The provision authorizing a state officer or employee to recommend a contribution was included in order to clarify that the act of a state official recommending a charity when asked to do so will not be a violation of the law. Also includes language to ensure that state employees can continue to designate contributions to charities which may be deducted from their paychecks.

Effective Date: September 1, 2005

HB 905 **by Delisi** **Senate Sponsor: Williams**

Relating to the powers and duties of the state auditor in connection with state contracts.

Requires entities subject to an audit to provide information to the state auditor to ensure that the state auditor can evaluate the entity's performance, determine the state's rights and remedies, and evaluate whether the entity has acted in the state's best interest. The bill also clarifies that certain not-for-profit corporations or state agencies can contract with a private auditor only if that authority is delegated to the corporation or agency by the state auditor. The bill also eliminates certain auditing exemptions provided to institutions of higher education.

Effective Date: June 18, 2005

HB 925 **by Chavez** **Senate Sponsor: Lucio**

Relating to creating an interagency work group on border issues.

Creates an interagency work group on border issues to improve coordination of government programs and services offered in the border area. Authorizes the Texas Water Development Board (TWDB) to maintain and update an Internet-based directory of border projects, also known as the Border Activity Tracker, containing information about projects in the border region in which a state agency is involved. Also creates the Texas-Mexico Strategic Investment Commission of which the TCEQ will be a member.

Effective Date: September 1, 2005

HB 1462 **by Flores** **Senate Sponsor: Hinojosa**

Relating to the referral by the Texas Water Development Board of certain persons to another state agency, office, or division for investigation or enforcement action.

Authorizes the TWDB, as the result of a complaint filed with the board or on the board's own motion, to refer an applicant for or recipient of financial assistance from the board or the TCEQ, the state auditor's office, the Texas Rangers, or another state agency, office, or division, as appropriate, for the investigation of, or the initiation of an enforcement action against, the applicant or recipient.

Effective Date: September 1, 2005

HB 1516 **by Isett** **Senate Sponsor: Duncan**

Relating to the Department of Information Resources' management of state electronic and telecommunications services.

Excludes telecommunications procurements from department oversight. Additionally, the data of federal databases and networks used for criminal justice and homeland security purposes is not required to be transferred to the state data center to preserve federal certification. Improves management of major information projects and enables the department to conduct procurements for information technology that promote efficiency and effectiveness.

Effective Date: September 1, 2005

HB 1817 **by Driver** **Senate Sponsor: Brimer**

Relating to the regulation of the practice of engineering.

Requires a Texas engineering seal only for projects to be constructed or utilized in Texas, allows the Texas Board of Professional Engineers to charge a late license renewal fee, and gives the board the ability to withhold complaint information that was filed against a license holder with the intent to harass or intimidate but that did not demonstrate harm to the public.

Effective Date: September 1, 2005

HB 1940 **by Ritter** **Senate Sponsor: Wentworth**

Relating to alternative dispute resolution of certain contract claims against the state.

Allows contractors to recover additional damages and expenses incurred as a result of actions by the state, and clarifies that contractors used by the state may assert a counterclaim or a right of offset. Shortens the timeframes for negotiations, mediation, and counterclaims, amends the amount the state must pay for valid claims, and allows contested case decisions to be appealed when there has been an abuse of discretion.

Effective Date: September 1, 2005

HB 2048 **by Uresti** **Senate Sponsor: Ellis**

Relating to certain online services and transactions involving state agencies.

Clarifies agency procedures for contracting with a third party for Internet application developments that duplicate a TexasOnline function. It also clarifies several provisions in the Government Code to better direct the Department of Information Resources and other state agencies in working with the TexasOnline Authority.

Effective Date: June 18, 2005

HB 2379 **by Swinford** **Senate Sponsor: Ellis**

Relating to the allocation of certain state office space.

Requires the Texas Building and Procurement Commission to adopt rules consistent with private sector standards and industry best practices to govern the allocation of space. Requires the commission to exempt certain agency sites from rules adopted under this subsection. Deletes the allocation ratio to specified state agencies.

Effective Date: September 1, 2005

HB 2410 **by Bonnen** **Senate Sponsor: Jackson**

Relating to the membership and terms of the board of directors of the Texas Environmental Education Partnership Fund.

Provides that 11, rather than 12, members serve on the board and allows for six-year staggered terms for board members.

Effective Date: September 1, 2005

HB 2473 **by Delisi** **Senate Sponsor: Ellis**

Relating to certain state publications maintained by the Texas State Library and Archives Commission.

Requires a state agency to designate one or more staff persons as agency publications liaisons. Requires a state agency to furnish copies of its state publications that exist in a physical format to the Texas State Library in the number specified by commission rules. Requires a state agency to include, for any of its publications available on the Internet, identifying and descriptive information about the publication. Requires the state agency, if an electronic state publication is not printed or available from the state agency's website, to furnish the Texas State Library copies in a manner prescribed by commission rules. Prohibits the commission from requiring more than 75 copies of the publication.

Effective Date: September 1, 2005

HB 2593 **by Baxter** **Senate Sponsor: Janek**

Relating to the TexasOnline project, the TexasOnline Authority, and related powers, fees, and a vendor for the project.

Authorizes a state agency or local government that uses the TexasOnline project to charge a fee under Subchapter I, in certain circumstances.

Effective Date: June 18, 2005

HB 3112 **by Corte** **Senate Sponsor: Wentworth**

Relating to the security of computer networks in state government.

Provides for a system of shared computer security throughout the State agencies that are consolidated. Creates a Network Security Center into which the state can eventually consolidate all state network security. Also requires the department to set up a billing system for payment of services to each state agency, or other entity using the services.

Effective Date: September 1, 2005

HB 3147 **by Turner** **Senate Sponsor: Van de Putte**

Relating to authorizing the TBPC to enter into more favorable lease with option to purchase agreements with regards to certain space currently occupied under lease with option to purchase agreements.

Authorizes TBPC to enter into more favorable lease with option to purchase (LWOP) agreements with regards to space currently occupied under LWOP agreements. It applies to LWOP agreements entered into by the state before December 1994 for the benefit of TCEQ or its predecessor agencies, OAG, the successor of DHS, the Department of Family and Protective Services, and TXDOT.

Effective Date: June 18, 2005

HB 3227 **by Swinford** **Senate Sponsor: Lucio**

Relating to requirements imposed under the vehicle fleet management plan.

Requires a state agency to submit the required reports on a quarterly, rather than monthly, basis not earlier than the 45th day or later than the 60th day after the date on which the quarter ends. Also grants all state agencies and institutions of higher education additional time to report the necessary data required by the Office of Vehicle Fleet Management.

Effective Date: June 17, 2005

SB 9 **by Staples** **House Sponsor: Corte**

Relating to homeland security; providing a penalty.

Provides for improvement in the areas of agro-terrorism, mutual aid, first responder radio and computer communications interoperability in the state, the Health Alert Network, public drinking water security, and protection of critical infrastructure.

Effective Date: June 18, 2005

SB 96 **by Shapleigh** **House Sponsor: Solomons**

Relating to the provision of online services to assist a person starting a business in this state.

Directs the TexasOnline Authority to develop and maintain a web portal that will provide information and access to necessary resources for occupational licenses in Texas. Also requires state agencies to make forms used by the public available on the Internet.

Effective Date: September 1, 2005

SB 213 **by Shapleigh** **House Sponsor: Martinez Fischer**

Relating to requiring more Spanish language content for online services provided by state agencies.

Requires the Texas Online Authority and each state agency to make a reasonable effort to develop and implement a system that ensures that Spanish-speaking persons of limited English proficiency to be able to meaningfully access state agency online services.

Effective Date: September 1, 2005

SB 255 **by Carona** **House Sponsor: Uresti**

Relating to the removal of data processing equipment disposed of or transferred by state agencies.

Directs the Department of Information Resources to prescribe standardized rules and regulations regarding the sanitation process prior to the sale, transfer, or disposal of state computers, computer peripherals, software, or other information technology devices.

Effective Date: September 1, 2005

SB 286 **by Wentworth** **House Sponsor: Baxter**

Relating to requiring public officials to receive training in the requirements of the open meetings and public information laws.

Adds an educational requirement to the existing Open Meetings Act and Public Information Act for elected and appointed officials in Texas. It requires officials to take a course within a certain timeframe of taking the oath or assuming official duties, and requires a course to be taken every two years.

Effective Date: January 1, 2006

SB 623 **by Hinojosa** **House Sponsor: Peña**

Relating to the authorized charges for providing a copy of public information requested under the public information law.

Provides that a request for a copy of public information is considered to have been received by a governmental body on the date the governmental body receives the deposit or bond for payment if the governmental body's officer for public information or the officer's agent requires a deposit or bond.

Effective Date: September 1, 2005

SB 690 **by Zaffirini** **House Sponsor: Swinford**

Relating to the required posting by a governmental body of a meeting of the governmental body that is continued to the following regular business day.

Codifies several attorney general opinions to allow a governmental body to recess to the following regular business day without having to post notification of the meeting if the action is done in good faith. Authorizes a governmental body that is prevented from convening an open meeting that was otherwise properly posted because of a catastrophe to convene the meeting in a convenient location within 72 hours.

Effective Date: June 17, 2005

SB 712 **by Carona** **House Sponsor: Cook, R.**

Relating to the legislature's goal for energy efficiency in this state and related energy efficiency programs.

Sets forth modified goals of the legislature relating to energy efficiency. Requires the Public Utility Commission of Texas to establish market transformation programs for schools and homeowners.

Effective Date: September 1, 2005

SB 727 **by Wentworth** **House Sponsor: Gattis**

Relating to the public information law.

Amends provisions of the Public Information Act based on input from the Open Records Steering Committee. Strikes references to the “General Services Commission,” replacing them with the “attorney general,” and amends provisions relating to state agencies’ reporting of their costs to provide copies of public information. Provides that a request for information is considered withdrawn if the requestor does not examine the information requested within a specified time and does not request additional time to make the examination. Requires a governmental body that asks for an attorney general opinion regarding a request for information to provide the requestor with a copy of the written comments provided to the attorney general. Also requires any person who submits written comments to the attorney general regarding a request for information to provide a copy of the written comments to the requestor and to the governmental body involved.

Effective Date: September 1, 2005

SB 1002 **by Madla** **House Sponsor: Delisi**

Relating to creating a TexasOnline project concerning grant assistance provided by state agencies.

Creates the TexasOnline project for grant assistance provided by state agencies. It requires the Department of Information Resources, in conjunction with the Office of the Governor, to create a single site with all agency grant information. It will allow the electronic submission of state grant assistance applications in a streamlined and simplified process.

Effective Date: September 1, 2005

SB 1130 **by Hinojosa** **House Sponsor: Hilderbran**

Relating to a requirement that a pipeline operator report contamination.

Requires a common carrier or an owner or operator of a pipeline, if in the process of placing, repairing, replacing, or maintaining a pipeline the common carrier or pipeline owner or operator observes or detects any petroleum-based contamination of soil or water in proximity to the pipeline, to report the contamination to the Railroad Commission of Texas and the owner of the land on which the pipeline is located.

Effective Date: September 1, 2005

SB 1139 **by Eltife** **House Sponsor: Frost**

Relating to monitoring by the Texas Building and Procurement Commission and the Legislative Budget Board of the transfer of surplus or salvage property by state agencies.

Authorizes the Texas Building and Procurement Commission to monitor an agency during the ten-day state property sale process to ensure that the agency is properly conducting the sale according to the ethical, economical, and legal interests of the state. The agency will be required to file a report with the commission outlining the property that is being sold, reasons for the sale, to whom the property is being sold, and the price brought for the property at the sale.

Effective Date: September 1, 2005

SB 1202 **by Lucio** **House Sponsor: Chavez**

Relating to the coordination of colonia initiatives and services to colonia residents.

Expands the list of agencies, which already included the TCEQ, involved with colonia initiatives and requires the colonia initiatives coordinator to work with those agencies on colonia projects.

Effective Date: June 17, 2005

SB 1485 **by Williams** **House Sponsor: Wong**

Relating to providing that the social security number of a living person is excepted from required disclosure under the public information law and may be redacted without the necessity of requesting a decision from the attorney general.

Prohibits the disclosure of an individual's social security number under the public information law. Also allows a governmental body to redact the social security number of a living person from any information the governmental body discloses.

Effective Date: June 17, 2005

SB 1569 **by Williams** **House Sponsor: Smith, T.**

Relating to audits of state agency expenditures to recover overpayments and lost discounts.

Requires the comptroller to enter into contracts with private consultants to conduct recovery audits designed to detect and return overpayments to vendors. Requires recovery audits of agencies with expenditures in excess of \$100 million during a biennium, but allows the comptroller to exempt agencies with a low proportion of expenditures made to vendors. Requires state agencies to pay the consultants from the amounts recovered as a result of their work and requires that copies of these reports go to the legislature, state auditor's office, Legislative Budget Board (LBB), and governor.

Effective Date: June 17, 2005

Local Government

HB 266 **by Smith, W.** **Senate Sponsor: Lindsay**

Relating to the time for processing a county building permit.

Requires certain counties to review a permit application within six weeks of its filing. If the permit is not approved, the county is required to send a letter to the applicant that discusses the problems with the application or to meet with the applicant. If the builder addresses the problems and resubmits the application, the county has one month to approve or reject the application or all permit fees are waived.

Effective Date: September 1, 2005

HB 2120 **by Ray Allen** **Senate Sponsor: Lindsay**

Relating to the administration of county government and the exercise of powers at the county level.

Amends various statutes to clarify the roles and responsibilities of local governments, including provisions in the event of disasters, allowing for more counties to employ special counsel, clarifying notice provisions in suits against the state, and clarifying jurisdiction regarding county courts at law and district courts.

Effective Date: September 1, 2005

HB 2140 **by Phillips** **Senate Sponsor: Seliger**

Relating to the provision of notice to affected political subdivisions regarding the proposed construction of a reservoir.

Requires that when an application is filed to construct a storage reservoir, the application must contain evidence that notice of the application has been given to members of the governing bodies of each county and municipality in which the reservoir will be located.

Effective Date: September 1, 2005

HB 2381 **by Hegar** **Senate Sponsor: Armbrister**

Relating to posting on the Internet the notice of a meeting of a governmental body.

Permits counties to utilize the Internet as an option in addition to traditional courthouse postings for notices regarding public meetings of a county or water district.

Effective Date: September 1, 2005

SB 425 **by Hinojosa** **House Sponsor: Luna**

Relating to subdivision platting requirements and assistance for certain counties near an international border.

Extend the designation of an economically distressed county to counties within 100 miles of the border with Mexico, if they contain a municipality larger than 250,000. Gives an affected county the power to approve plats in unincorporated areas of the county. This power allows a county to prevent unscrupulous developers from taking advantage of homeowners who are often left without paved roads or basic services such as running water, sewer lines, or electricity.

Effective Date: September 1, 2005

SB 1133 **by Hinojosa** **House Sponsor: Gonzales**

Relating to posting notice online of the meetings of certain governmental bodies.

Broadens the requirements of the Open Meetings Act, by requiring certain local governmental bodies and economic development corporations that maintain websites to post notice of meetings as well as the entire agenda packets of those meetings on their websites. Only entities with a population of 48,000 or more would be required to post their entire agenda packet.

Effective Date: January 1, 2006

SB 1413 **by Shapleigh** **House Sponsor: Smith, W.**

Relating to county brownfield cleanup and economic redevelopment programs.

Provides local governments with the authority to establish a fund through a tax or fee assessment for investment in site clean-up and preparation thereby providing the opportunity for continued economic growth within the local jurisdiction. Authorizes the commissioners court of a county with a population of 250,000 or more to establish a program for the cleanup and economic redevelopment of brownfields. Sets forth the required procedures and standards of a brownfield cleanup and economic redevelopment program. Provides for public and TCEQ review and comment on a county's proposed program.

Effective Date: September 1, 2005

SB 1498 **by Fraser** **House Sponsor: Hilderbran**

Relating to the requirement for water district consent to certain actions by municipalities that provide law enforcement or fire protection services.

Prohibits the area within certain districts from being included without the consent of the district in the boundaries of a municipality that provides law enforcement or fire protection services.

Effective Date: June 18, 2005

SB 1811 **by Shapleigh** **House Sponsor: Haggerty**

Relating to the ability of certain water supply or sewer service corporations to dissolve and transfer assets to a municipality.

Allows for the dissolution of the Ponderosa and Western Village Water Supply Corporation. El Paso Water Utilities has the capacity to administer the grant needed to rehabilitate the water system.

Effective Date: June 17, 2005

Districts & Authorities

- HB 365** **by Hegar** **Senate Sponsor: Armbrister**
- Relating to the date of the election of directors for the Coastal Bend Groundwater Conservation District.**
- Eliminates the inefficiency of holding a separate election day for the district, by moving the election date. This bill also provides for the current members of the board of directors to retain their seats until the next election in order to allow for continuity and no break in service.
- Effective Date:** September 1, 2005
-
- HB 812** **by Flynn** **Senate Sponsor: Deuell**
- Relating to the creation of the Sunrise Municipal Utility District of Hunt County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.**
- Creates the Sunrise Municipal Utility District of Hunt County.
- Effective Date:** June 17, 2005
-
- HB 813** **by Flynn** **Senate Sponsor: Deuell**
- Relating to the creation of the Union Valley Ranch Municipal Utility District of Hunt County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.**
- Creates the Union Valley Ranch Municipal Utility District of Hunt County.
- Effective Date:** June 17, 2005
-
- HB 828** **by Callegari** **Senate Sponsor: Fraser**
- Relating to the authority of the Texas Commission on Environmental Quality over the issuance of certain district bonds.**
- Clarifies that TCEQ does not have to make project feasibility determinations on refinancing bonds issued by water districts and sold to TWDB, or other federal financing entities.
- Effective Date:** May 30, 2005
-
- HB 856** **by Callegari** **Senate Sponsor: Lindsay**
- Relating to the general powers, authority, and directors of the West Harris County Regional Water Authority.**
- Affects certain general powers and authority of the West Harris County Regional Water Authority.
- Effective Date:** June 17, 2005

HB 1009 **by Corte** **Senate Sponsor: Gallegos**

Relating to the authority of a port authority, a navigation district, or certain other persons to use electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate for port security purposes.

Allows port authorities to access the information on the magnetic strips on the back of driver's licenses and to use them to provide a temporary pass to a visitor and to monitor the movement of those individuals within port facilities. Provides that the is data confidential and its release to unauthorized persons is subject to criminal prosecution.

Effective Date: May 30, 2005

HB 1054 **by Hope** **Senate Sponsor: Staples**

Relating to the creation of the Montgomery County Municipal Utility District No. 100; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

Creates a conservation and reclamation district to be known as Montgomery County Municipal District No. 100.

Effective Date: September 1, 2005

HB 1055 **by Hope** **Senate Sponsor: Staples**

Relating to the creation of the Montgomery County Municipal Utility District No. 101; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

Creates a conservation and reclamation district to be known as Montgomery County Municipal Utility District No. 101.

Effective Date: September 1, 2005

HB 1141 **by Flynn** **Senate Sponsor: Deuell**

Relating to the conversion of the Verandah Fresh Water Supply District of Hunt County to a municipal utility district; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

Enables the conversion of the Verandah Fresh Water Supply District of Hunt County to a municipal utility district and enumerates the district's powers, duties, and obligations.

Effective Date: June 17, 2005

HB 1229 **by Hilderbran** **Senate Sponsor: Fraser**

Relating to the powers, duties, and directors of the Menard County Underground Water District and the directors of the Menard County WCID No. 1.

Gives the Menard County water district the authority to permit wells to be used for domestic, livestock, poultry, or wildlife purposes.

Effective Date: May 30, 2005

HB 1346 **by Gattis** **Senate Sponsor: Ogden**

Relating to the creation of the CLL Municipal Utility District No. 1; providing authority to impose a tax and issue bonds.

Provides regulations regarding the creation, administration, powers, duties, operation, and financing of the CLL Municipal Utility District No. 1, and provides authority for the district to divide into smaller districts.

Effective Date: September 1, 2005

HB 1358 **by Flores** **Senate Sponsor: Armbrister**

Relating to the jurisdiction of the Texas Commission on Environmental Quality over certain water supply or sewer service corporations.

Provides that the TCEQ has the same jurisdiction over a water supply or sewer service corporation that the commission has over a water and sewer utility if the commission finds that the water supply or sewer service corporation is failing to conduct annual or special meetings, or is operating in a manner that does not comply with certain requirements for classifications as a nonprofit water supply or sewer service corporation. Expires on September 1, 2007.

Effective Date: September 1, 2005

HB 1458 **by Bailey** **Senate Sponsor: Gallegos**

Relating to the creation of the Airline Improvement District; providing authority to impose a tax and issue a bond or similar obligation.

Amends the Special District Local Laws Code to create the Airline Improvement District in the Airline/Belmar community areas of Harris County.

Effective Date: June 17, 2005

HB 1763 **by Cook, R.** **Senate Sponsor: Duncan**

Relating to the notice, hearing, rulemaking, and permitting procedures for groundwater conservation districts.

Sets forth uniform procedures to be utilized by groundwater conservation districts regarding the notice and hearings process for both rulemaking hearings and permit application hearings, and clarifies that districts may use Alternative Dispute Resolution (ADR) procedures.

Effective Date: September 1, 2005

HB 1981 **by Blake** **Senate Sponsor: Staples**

Relating to the amount of the fee that the Pineywoods Groundwater Conservation District may impose on a well.

Provides for an increase in the production fee from one cent per 1,000 gallons of water to a maximum fee of 2.5 cents per 1,000 gallons of water.

Effective Date: June 18, 2005

HB 1996 **by Hunter** **Senate Sponsor: Duncan**

Relating to the election of directors of the Wes-Tex Groundwater Conservation District.

Allows the current directors of the district to remain in their positions after a redrawing of the precinct boundaries until the end of their terms. Also allows for the election of the directors to occur at the same time as the county commissioner's elections in November of even-numbered years.

Effective Date: June 18, 2005

HB 2079 **by Keffer, J.** **Senate Sponsor: Estes**

Relating to the creation, administration, powers, duties, functions, operations, and financing of the Stephens Regional Special Utility District.

Creates and establishes the Stephens Regional Special Utility District and dissolves Stephens County Rural Water Supply Corporation.

Effective Date: June 17, 2005

HB 2267 **by Smith, W.** **Senate Sponsor: Ellis**

Relating to the powers of the Coastal Water Authority; providing the authority to impose a tax; affecting the authority to issue bonds.

Grants additional authority to the Coastal Water Authority to permit it to better assist the City of Houston in conveying surface water to users in the Harris County area in order to reduce the need to extract groundwater for such purposes.

Effective Date: June 17, 2005

HB 2423 **by Puente** **Senate Sponsor: Armbrister**

Relating to discrimination by a groundwater conservation district against landowners whose land is enrolled or participating in a federal conservation program.

Prohibits a groundwater conservation district from discriminating against a farm participating in a federal conservation program, such as the U.S. Department of Agriculture's Conservation Reserve Program.

Effective Date: September 1, 2005

HB 2639 **by Geren** **Senate Sponsor: Brimer**

Relating to the powers and duties of the Tarrant Regional Water District and the abolition and distribution of the assets of the Lower Rio Grande Authority.

Expands the authority of the Tarrant Regional Water District to include stormwater and flooding abatement while supporting downtown beautification of Fort Worth. Also repeals the Lower Rio Grande Valley Water Authority.

Effective Date: September 1, 2005

HB 3181 **by Turner** **Senate Sponsor: Lindsay**

Relating to the creation of the Central Harris County Regional Water Authority; providing authority to issue bonds or notes; granting the power of eminent domain; providing an administrative penalty.

Creates the Central Harris County Regional Water Authority comprised of 11 MUDs primarily located north of the City of Houston.

Effective Date: June 17, 2005

HB 3423 **by Morrison** **Senate Sponsor: Armbrister**

Relating to the creation of the Victoria County Groundwater Conservation District; providing authority to impose a tax and issue bonds; abolishing the Crossroads Groundwater Conservation District.

Creates the Victoria Country Groundwater Conservation District, subject to approval at a confirmation election, to manage groundwater resources in Victoria County.

Effective Date: September 1, 2005

HB 3476 **by Olivo** **Senate Sponsor: Armbrister**

Relating to the creation of the Fort Bend County Municipal Utility District No. 177; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

Creates the Fort Bend County Municipal Utility District No. 177 under CH 8122, Special District Local Laws Code, providing authority to impose a tax and issue bonds and granting the power of eminent domain. The District may not impose impact fees or assessment on the property of electric utilities, gas utilities, telecommunications providers, and cable television or advanced telecommunications services.

Effective Date: September 1, 2005

HB 3478 **by Corte** **Senate Sponsor: Wentworth**

Relating to the exemption of certain municipalities, utilities, and consumers from fees or taxes imposed by the Trinity Glen Rose Groundwater Conservation District.

Amends the enabling legislation for the Trinity Glen Rose Groundwater Conservation District in northern Bexar County to: clarify that a municipality and municipally owned utility, as well as the residents of a municipality where greater than fifty percent of the water supply comes from a source other than the Trinity Group aquifer are not subject to District fees or taxes; provide constitutional requirements regarding notice of intent to publish and TCEQ recommendations; and provide that the changes would only apply to a fee or tax that becomes due after the effective date.

Effective Date: September 1, 2005

HB 3479 **by Rose** **Senate Sponsor: Wentworth**

Relating to the South Buda Water Control and Improvement District No. 1.

Creates the South Buda Water Control and Improvement District No. 1, subject to voter approval at a confirmation election, and sets forth the district's boundaries, powers and duties.

Effective Date: June 18, 2005

HB 3490 **by Denny** **Senate Sponsor: Nelson**

Relating to the creation of The Lakes Fresh Water Supply District of Denton County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

Authorizes the Homestead Municipal Utility District to dissolve and transfer its assets and liabilities to the City of El Paso.

Effective Date: June 18, 2005

HB 3497 **by Gattis** **Senate Sponsor: Ogden**

Relating to the creation of the Sonterra Municipal Utility District; providing authority to impose a tax and issue bonds.

Creates the Sonterra Municipal Utility District and provides regulations regarding the creation, administration, powers, duties, operation, and financing of the district, and provides authority for the district to divide into smaller districts.

Effective Date: September 1, 2005

HB 3498 **by Brown, B.** **Senate Sponsor: Deuell**

Relating to the creation, administration, powers, duties, functions, operations, and financing of the Rose Hill Special Utility District.

Creates and establishes the Rose Hill Special Utility District, and dissolves the Rose Hill Water Supply Corporation.

Effective Date: June 18, 2005

HB 3502 **by Turner** **Senate Sponsor: Whitmire**

Relating to the creation of the Harris County Municipal Utility District No. 406; providing authority to impose taxes and issue bonds; granting the power of eminent domain.

Creates Harris County Municipal Utility District No. 406

Effective Date: June 18, 2005

HB 3513 **by Luna** **Senate Sponsor: Hinojosa**

Relating to the creation of the Corpus Christi Aquifer Storage and Recovery Conservation District; granting the power of eminent domain.

Creates the Corpus Christi Aquifer Storage and Recovery District in Nueces, Kleberg, and San Patricio Counties, to develop and protect municipal aquifer storage areas created by the City of Corpus Christi.

Effective Date: June 18, 2005

- HB 3520** **by King, T.** **Senate Sponsor: Madla**
- Relating to the distribution of assessments charged by Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1.**
- Allows the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1 to lower the tax rate on farmers in the district.
- Effective Date:** June 18, 2005
-
- HB 3524** **by Gattis** **Senate Sponsor: Ogden**
- Relating to the creation of the Williamson County Municipal Utility District No. 19; providing authority to impose a tax and issue bonds.**
- Provides regulations regarding the creation, administration, powers, duties, operation, and financing of the district, and provides authority for the district to divide into smaller districts.
- Effective Date:** September 1, 2005
-
- HB 3525** **by King, P.** **Senate Sponsor: Estes**
- Relating to the creation, administration, powers, duties, functions, operations, and financing of the Parker County Special Utility District; providing authority to issue bonds.**
- Creates and establishes the Parker County Special Utility District, and dissolves the Parker County Water Supply Corporation.
- Effective Date:** June 17, 2005
-
- HB 3530** **by Geren** **Senate Sponsor: Nelson**
- Relating to the creation of the City of Fort Worth Municipal Utility District No. 2 of Tarrant County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.**
- Provides regulations regarding the creation, administration, powers, duties, operation, and financing of the Fort Worth Municipal Utility District No. 2.
- Effective Date:** June 18, 2005
-
- HB 3534** **by Denny** **Senate Sponsor: Nelson**
- Relating to the creation of the Denton County Municipal Utility District No. 6; providing authority to impose a tax and issue bonds; granting the power of eminent domain.**
- Provides regulations regarding the creation, administration, powers, duties, operation, and financing of the district.
- Effective Date:** September 1, 2005

HB 3535 **by Denny** **Senate Sponsor: Nelson**

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

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

Effective Date: September 1, 2005

HB 3539 **by Hupp** **Senate Sponsor: Fraser**

Relating to the composition of the board of directors of the Saratoga Underground Water Conservation District.

Provides for elections for Directors of the Saratoga Underground Water Conservation District.

Effective Date: September 1, 2005

HB 3546 **by Otto** **Senate Sponsor: Williams**

Relating to the creation of the East Montgomery County Municipal Utility Districts Nos. 5, 6, and 7; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

Effective Date: September 1, 2005

HB 3548 **by Gattis** **Senate Sponsor: Ogden**

Relating to the creation of the Williamson County Municipal Utility District No. 16; providing authority to impose a tax and issue bonds.

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

Effective Date: September 1, 2005

HB 3549 **by Gattis** **Senate Sponsor: Ogden**

Relating to the creation of the Williamson County Municipal Utility District No. 21; providing authority to impose a tax and issue bonds.

Provides regulations regarding the creation, administration, powers, duties, operation, and financing of the district, and provides authority for the district to divide into smaller districts.

Effective Date: September 1, 2005

- HB 3550** **by Bailey** **Senate Sponsor: Gallegos**
- Relating to the powers and duties of the Aldine Improvement District; providing authority to impose a tax and issue bonds.**
- Authorizes the Aldine Community Improvement District to use the powers of a municipal utility district so the district may construct the infrastructure it needs to make improvements to the waste water systems within the district.
- Effective Date:** June 18, 2005
-
- HB 3568** **by Seaman** **Senate Sponsor: Zaffirini**
- Relating to the creation of the San Patricio County Groundwater Conservation District; providing authority to impose a tax.**
- Clarifies the need for confirmation by election and outlines the initial district boundaries. Defines the terms of the directors, future election of permanent directors, outlines powers and duties of the district and places an upper limit on taxes levied by the district.
- Effective Date:** June 18, 2005
-
- HB 3569** **by Guillen** **Senate Sponsor: Zaffirini**
- Relating to the creation, administration, powers, duties, operation, and financing of the Zapata County Municipal Utility District No. 2.**
- Sets forth standard language for the creation of the Zapata County Municipal Utility District No. 2 in Zapata County. Sets forth standards, procedures, requirements, and criteria.
- Effective Date:** September 1, 2005
-
- HB 3574** **by Giddings** **Senate Sponsor: Deuell**
- Relating to the creation of the Dallas County Municipal Utility District No. 3; providing authority to impose a tax and issue bonds; granting the power of eminent domain.**
- Creates the Dallas County Municipal Utility District No. 3 and enumerates its powers, duties, and obligations.
- Effective Date:** June 17, 2005
-
- HB 3576** **by Mowery** **Senate Sponsor: Brimer**
- Relating to the powers, duties, administration, governance, and functions of the Benbrook Water and Sewer Authority.**
- Updates the Benbrook Water and Sewer Authority's 1955 enabling legislation to cross-reference modern day Water Code and Election Code provisions and allows a name change to remove "sewer" from the name.
- Effective Date:** June 18, 2005

HB 3582 **by Brown, B.** **Senate Sponsor: Deuell**

Relating to the Kingsborough Municipal Utility District Nos. 1, 2, 3, 4, and 5 of Kaufman County.

Amends the boundaries of the districts.

Effective Date: September 1, 2005

SB 224 **by Ellis** **House Sponsor: Wong**

Relating to the eminent domain power of certain municipal management districts.

Explicitly removes eminent domain power from 21 management districts in Houston.

Effective Date: June 17, 2005

SB 331 **by Lindsay** **House Sponsor: Hamric**

Relating to the North Harris County Regional Water Authority.

Authorizes the authority to expedite financing and construction of surface water delivery systems to meet deadlines required by either the subsidence district or the board of the authority. Provides that the commission and authority may enter into a memorandum of understanding (MOU) that may establish standard procedures, standing waivers, and conditions applicable for the commission's granting conditional or final approval of authority construction projects.

Effective Date: June 18, 2005

SB 363 **by Lindsay** **House Sponsor: Callegari**

Relating to the general powers, authority, and directors of the West Harris County Regional Water Authority.

Affects certain general powers and authority of the West Harris County Regional Water Authority.

Effective Date: June 17, 2005

SB 428 **by Lindsay** **House Sponsor: Riddle**

Relating to the repeal of the requirement that the creation of the Harris County Municipal Utility District No. 388 be confirmed by a specific date.

Provides an open date for the confirmation election to occur.

Effective Date: June 17, 2005

SB 429 **by Lindsay** **House Sponsor: Riddle**

Relating to the repeal of the requirement that the creation of the Harris County Municipal Utility District No. 387 be confirmed by a specific date.

Provides an open date for the confirmation election to occur.

Effective Date: June 17, 2005

SB 692 **by Madla** **House Sponsor: Puente**

Relating to the fee a county tax assessor-collector may charge for assessing and collecting ad valorem taxes for certain river authorities.

Clarifies the amount of the fee the county tax assessor-collector is entitled to for assessing and collecting the taxes for a river authority whose enabling act authorizes a tax, specifies the maximum tax rate, and specifies the maximum fee that the river authority may pay for the tax assessor-collector assessing and collecting the river authority's taxes.

Effective Date: May 9, 2005

SB 693 **by Ogden** **House Sponsor: Gattis**

Relating to vacancies on municipal utility district boards.

Prohibits a MUD board from appointing to a vacant seat a person who resigned from the board in the two years preceding the vacancy date; resigned on or after the vacancy date but before the vacancy is filled; or was defeated in a district election in the two years preceding the vacancy date.

Effective Date: May 9, 2005

SB 839 **by Wentworth** **House Sponsor: Casteel**

Relating to the authority of the Cow Creek Groundwater Conservation District to require permits for certain wells.

Authorizes the district to collect a fee on all wells used for domestic purposes.

Effective Date: June 18, 2005

SB 883 **by Williams** **House Sponsor: Otto**

Relating to the creation of the East Montgomery County Municipal Utility District No. 8; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

Creates a conservation and reclamation district to be known as East Montgomery County Municipal Utility District No. 8, over a portion of the land to be developed as a residential community with related retail and commercial properties in the eastern portion of Montgomery County.

Effective Date: September 1, 2005

SB 884 **by Williams** **House Sponsor: Otto**

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

Creates a conservation and reclamation district to be known as East Montgomery County Municipal Utility District No. 9, over a portion of the land developed as a residential community with related retail and commercial properties in the eastern portion of Montgomery County.

Effective Date: September 1, 2005

SB 885 **by Williams** **House Sponsor: Otto**

Relating to the creation of the East Montgomery County Municipal Utility District No. 10; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

Creates a conservation and reclamation district to be known as East Montgomery County Municipal Utility District No. 10, over a portion of the land to be developed as a residential community with related retail and commercial properties in the eastern portion of Montgomery County.

Effective Date: September 1, 2005

SB 886 **by Williams** **House Sponsor: Otto**

Relating to the creation of the East Montgomery County Municipal Utility District No. 11; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

Creates a conservation and reclamation district to be known as East Montgomery County Municipal Utility District No. 11, over a portion of the land to be developed as a residential community with related retail and commercial properties in the eastern portion of Montgomery County.

Effective Date: September 1, 2005

SB 887 **by Williams** **House Sponsor: Otto**

Relating to the creation of the East Montgomery County Municipal Utility District No. 12; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

Creates a conservation and reclamation district to be known as East Montgomery County Municipal Utility District No. 12, over a portion of the land developed as a residential community with related retail and commercial properties in the eastern portion of Montgomery County.

Effective Date: September 1, 2005

SB 889 **by Williams** **House Sponsor: Otto**

Relating to the creation of the East Montgomery County Municipal Utility District No. 13; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

Creates a conservation and reclamation district to be known as East Montgomery County Municipal Utility District No. 13, over a portion of the land to be developed as a residential community with related retail and commercial properties in the eastern portion of Montgomery County.

Effective Date: September 1, 2005

SB 891 **by Williams** **House Sponsor: Otto**

Relating to the creation of the East Montgomery County Municipal Utility District No. 14; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

Creates a conservation and reclamation district to be known as East Montgomery County Municipal Utility District No. 14, over a portion of the land to be developed as a residential community with related retail and commercial properties in the eastern portion of Montgomery County.

Effective Date: September 1, 2005

SB 967 **by Fraser** **House Sponsor: Hupp**

Relating to the creation of the Central Texas Groundwater Conservation District; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

Creates the Central Texas Groundwater Conservation District to serve Burnet County. The district will have powers commonly granted to groundwater conservation districts, but will not have the power of eminent domain.

Effective Date: June 17, 2005

SB 986 **by Duncan** **House Sponsor: Hunter**

Relating to the election of directors of the Wes-Tex Groundwater Conservation District.

Allows the current directors of the district to remain in their positions after a redrawing of the precinct boundaries until the end of their terms. The bill will also allow for the election of the directors to occur at the same time as the county commissioner's elections in November of even-numbered years.

Effective Date: June 17, 2005

SB 1017 **by Staples** **House Sponsor: Otto**

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

Creates, subject to a confirmation election, the Lower Trinity Groundwater Conservation District in Liberty, Polk, and San Jacinto counties.

Effective Date: June 17, 2005

SB 1537 **by Armbrister** **House Sponsor: Callegari**

Relating to the administration, powers, duties, and operations of the Harris-Galveston Coastal Subsidence District and the Fort Bend Subsidence District.

Amends the enabling acts of the Harris-Galveston Coastal Subsidence District and the Fort Bend Subsidence District to create a single source of statutory authority for each district by removing references to Chapter 36, Water Code, and incorporating necessary provisions from general law. Updates and revises the enabling acts of the two subsidence districts to clarify and correct certain provisions, such as deleting unnecessary boundary revision language, correcting minor changes made during codification, deleting unnecessary startup and temporary regulation provisions, clarifying certain notice provisions, and simplifying permit fee provisions.

Effective Date: May 27, 2005

SB 1604 **by Staples** **House Sponsor: Cook, B.**

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

Provides clarification of the Neches and Trinity Valleys Groundwater Conservation District. Prohibits the district from levying any fee on a well used only for agriculture purposes within the district. Also specifies that each director may be removed from office in the same manner as provided for the removal of a county officer.

Effective Date: September 1, 2005

SB 1772 **by Deuell** **House Sponsor: Reyna**

Relating to the validation and confirmation of the boundaries and acts of Dallas County Water Control and Improvement District No. 6.

Validates and confirms the current boundaries of Dallas County Water Control and Improvement District No. 6 and all actions taken by the district within the last five years of the effective date of the bill.

Effective Date: June 17, 2005

SB 1786 **by Gallegos** **House Sponsor: Hamric**

Relating to the powers and duties of a navigation district or port authority.

Allows a navigation district to contract for a purchase from state and federal government. Expands purchasing contract methods for a contract of \$25,000 or more in the aggregate for a 12-month period, to include a contract for a purchase from the State, its respective agencies and the federal government. Requires the district to document the basis of its selection and to make the evaluations public not later than the later of the 30th day, rather than the 7th day, after the contract award date or the next scheduled commission meeting.

Effective Date: September 1, 2005

SB 1792 **by Wentworth** **House Sponsor: Rose**

Relating to the South Buda Water Control and Improvement District No. 1.

Authorizes creation of the South Buda Water Control and Improvement District No. 1. by voter approval at a confirmation election.

Effective Date: June 17, 2005

SB 1795 **by Armbrister** **House Sponsor: Olivo**

Relating to the creation of the Fort Bend County Municipal Utility District No. 177; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

Provides regulations regarding the creation, administration, powers, duties, operation, and financing of the Fort Bend County Municipal Utility District No. 177.

Effective Date: September 1, 2005

SB 1798 **by Armbrister** **House Sponsor: Hegar**

Relating to the creation of the North Fort Bend Water Authority; providing authority to impose a tax and issue bonds; granting the power of eminent domain; providing an administrative penalty.

Creates the North Fort Bend Water Authority for purposes including the acquisition and provision of water, the reduction of groundwater withdrawals, the conservation, protection, and prevention of waste of groundwater, and the control of subsidence.

Effective Date: June 17, 2005

SB 1799 **by Zaffirini** **House Sponsor: Gonzalez Toureilles**

Relating to the powers and duties of the Bee Groundwater Conservation District.

Eliminates Chapter 49, Water Code, from the rights, powers, privileges, authority, functions, and duties of the district, as the powers and provisions of this chapter are not needed and cause an unnecessary burden on the district.

Effective Date: June 17, 2005

SB 1800 **by Jackson** **House Sponsor: Eiland**

Relating to the creation of the Galveston County Municipal Utility District No. 60; providing authority to impose taxes and issue bonds; granting the power of eminent domain.

Creates Galveston County Municipal Utility District No. 60.

Effective Date: June 17, 2005

SB 1801 **by Jackson** **House Sponsor: Eiland**

Relating to the creation of the Galveston County Municipal Utility District No. 61; providing authority to impose taxes and issue bonds; granting the power of eminent domain.

Creates Galveston County Municipal Utility District No. 61.

Effective Date: June 17, 2005

SB 1802 **by Jackson** **House Sponsor: Eiland**

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

Creates Galveston County Municipal Utility District No. 62.

Effective Date: June 17, 2005

SB 1803 **by Jackson** **House Sponsor: Eiland**

Relating to the creation of the Galveston County Municipal Utility District No. 63; providing authority to impose taxes and issue bonds; granting the power of eminent domain.

Creates Galveston County Municipal Utility District No. 63.

Effective Date: June 17, 2005

SB 1804 **by Jackson** **House Sponsor: Eiland**

Relating to the creation of the Galveston County Municipal Utility District No. 64; providing authority to impose taxes and issue bonds; granting the power of eminent domain.

Creates Galveston County Municipal Utility District No. 64.

Effective Date: June 17, 2005

- SB 1805** **by Jackson** **House Sponsor: Taylor**
- Relating to the creation of the Galveston County Management District No. 1; providing authority to levy an assessment, impose a tax, and issue bonds.**
- Creates the Galveston County Management District No. 1 to administer and provide funding for community improvement projects and services.
- Effective Date:** June 17, 2005
-
- SB 1806** **by Jackson** **House Sponsor: Taylor**
- Relating to the creation of the West Ranch Management District; providing authority to impose a tax and issue a bond or similar obligation.**
- Creates the West Ranch Management District as a political subdivision to administer and provide funding for community improvement projects and services.
- Effective Date:** June 17, 2005
-
- SB 1807** **by Jackson** **House Sponsor: Eiland**
- Relating to the power and duties of the Galveston County Municipal Utility District No. 52.**
- Grants the Galveston County Municipal Utility District No. 52 the powers it needs to finance roads, major thoroughfares and other navigation projects.
- Effective Date:** June 17, 2005
-
- SB 1808** **by Jackson** **House Sponsor: Eiland**
- Relating to the creation of the Galveston County Municipal Utility District No. 54; providing authority to impose taxes and issue bonds; granting the power of eminent domain.**
- Creates Galveston County Municipal Utility District No. 54.
- Effective Date:** June 17, 2005
-
- SB 1810** **by Shapleigh** **House Sponsor: Quintanilla**
- Relating to the dissolution of the Homestead Municipal Utility District, the provision of water supply services to the residents fo the districts service area after dissolution, and the rates charged for water service by the City of El Paso; validating certain actions of the districts's board of directors.**
- Dissolves the Homestead MUD and transfers management of its water supply system to El Paso Water Utilities. The El Paso Water Utilities has the capacity to administer and operate Homestead MUD.
- Effective Date:** June 17, 2005

- SB 1823** **by Wentworth** **House Sponsor: Kuempel**
- Relating to the creation of the Schertz Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.**
- Provides regulations regarding the creation, administration, powers, duties, operation, and financing of the district, and provides authority for the district to divide into smaller districts.
- Effective Date:** September 1, 2005
-
- SB 1826** **by Estes** **House Sponsor: King, P.**
- Relating to the creation, administration, powers, duties, functions, operations, and financing of the Parker County Special Utility District; granting the power of eminent domain.**
- Creates the Parker County Special Utility District.
- Effective Date:** June 17, 2005
-
- SB 1828** **by Estes** **House Sponsor: Denny**
- Relating to the creation of the Smiley Road Water Control and Improvement District; providing authority to impose a tax and issue bonds.**
- Creates the Smiley Road Water Control and Improvement District so that water, sewer, drainage, and road improvements can be provided to a 637-acre tract located on the west side of the Denton/Collin County line.
- Effective Date:** June 17, 2005
-
- SB 1831** **by Hinojosa** **House Sponsor: Luna**
- Relating to the creation of the Corpus Christi Aquifer Storage and Recovery Conservation District; granting the power of eminent domain.**
- Creates a conservation and reclamation district in Nueces, Kleberg, and San Patricio counties, to develop and protect municipal aquifer storage areas created by the City of Corpus Christi.
- Effective Date:** June 17, 2005
-
- SB 1836** **by Barrientos** **House Sponsor: Strama**
- Relating to the creation of the Pflugerville Municipal Management District No. 1; providing authority to impose a tax and issue bonds.**
- Creates Pflugerville Municipal Management District No. 1; and sets out the boundaries, governance and powers of the district, which include the authority to issue bonds and impose a tax.
- Effective Date:** June 17, 2005

SB 1840 **by Lucio** **House Sponsor: Escobar**

Relating to the Willacy County Drainage District No. 1; providing the authority to impose a tax.

Makes Chapter 56, Water Code, which is applicable to drainage districts applicable to the district, rather than Chapter 53, Water Code, which is applicable to fresh water supply districts. Updates the name of the district's governing board to the board of directors. Allows the district to levy taxes in excess of the current 25 cents per one hundred valuation cap, if necessary.

Effective Date: June 17, 2005

SB 1847 **by Zaffirini** **House Sponsor: Guillen**

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

Creates the Duval County Groundwater Conservation District. In addition to the authorities of Chapter 36, Water Code, the bill provides the District the authority to serve as a court-appointed receiver for municipal utility districts (MUDs) and water control and improvement districts (WCIDs), to contract with MUDs to assume their functions, and to merge with a WCID in Duval County.

Effective Date: June 17, 2005

SB 1848 **by Zaffirini** **House Sponsor: Guillen**

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

Creates the Starr County Groundwater Conservation District, adding new Ch. 8803 to the Special District Local Laws Code. Provides authorities to the District to serve as a court-appointed receiver for districts and utilities and provides the power to contract with municipalities to assume utilities functions. Provides for the merger of the district with water supply or sewer service corporations.

Effective Date: June 17, 2005

SB 1851 **by Madla** **House Sponsor: King, T.**

Relating to the expansion of the East Medina County Special Utility District and the composition of the district's board of directors.

Provides that the district's board of directors consists of seven directors, rather than nine. Coordinates the district boundaries and the district's certificate of convenience and necessity.

Effective Date: June 17, 2005

SB 1853 **by Madla** **House Sponsor: King, T.**

Relating to the distribution of assessments charged by Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1.

Allows the District to lower the tax rate on farmers.

Effective Date: June 17, 2005

- SB 1855** **by Deuell** **House Sponsor: Laubenberg**
- Relating to the creation of the Rockwall County Municipal Utility Districts Nos. 6, 7, 8, and 9; providing authority to impose a tax and issue bonds; granting the power of eminent domain.**
- Creates the Rockwall County Municipal Utility Districts Nos. 6, 7, 8, and 9, and enumerates their powers, duties, and obligations.
- Effective Date:** June 17, 2005
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- SB 1864** **by Jackson** **House Sponsor: Taylor**
- Relating to the powers of the Galveston County Municipal Utility District No. 51, including powers related to the construction, maintenance, operation, and financing of roads or turnpikes.**
- Empowers the District under Chapters 49 (Provisions Applicable to All Districts) and 54 (Municipal Utility Districts) of the Water Code, to construct and maintain roads or turnpikes to serve the future occupants of the land utilizing tax exempt bonds.
- Effective Date:** September 1, 2005
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- SB 1865** **by Jackson** **House Sponsor: Eiland**
- Relating to the creation of the Galveston County Municipal Utility District No. 53; providing authority to impose a tax and issue bonds; granting the power of eminent domain.**
- Provides regulations regarding the creation, administration, powers, duties, operation, and financing of the District.
- Effective Date:** September 1, 2005
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- SB 1870** **by Seliger** **House Sponsor: Laney**
- Relating to the board of directors of the Permian Basin Underground Water Conservation District; validating certain district actions and proceedings.**
- Allows the district to elect from five to nine directors and requires that there be an equal number of directors elected from each county as well as one at-large director.
- Effective Date:** June 17, 2005
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- SB 1871** **by Jackson** **House Sponsor: Bonnen**
- Relating to the creation of the Brazoria County Municipal Utility District No. 44; providing authority to impose a tax and issue bonds; granting the power of eminent domain.**
- Provides regulations regarding the creation, administration, powers, duties, operation, and financing of the district.
- Effective Date:** September 1, 2005

SB 1872 **by Armbrister** **House Sponsor: Howard**

Relating to the addition of road district powers to the Fort Bend County Municipal Utility District No. 134.

Provides the District the ability to undertake road projects in certain limited circumstances. Provides the District the authority to issue bonds and other obligations for road projects, upon approval of a two-thirds majority of voters in the District.

Effective Date: June 17, 2005

SB 1873 **by Armbrister** **House Sponsor: Hegar**

Relating to the creation of the Fort Bend County Municipal Utility District No. 167; providing authority to impose taxes and issue bonds; granting the power of eminent domain.

Creates Fort Bend County Municipal Utility District No. 167.

Effective Date: June 17, 2005

SB 1881 **by Deuell** **House Sponsor: Laubenberg**

Relating to the validation, annexation, powers, and duties of the Parker Creek Municipal Utility District of Rockwall County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

Adds Chapter 8123 to the Special District Local Laws Code, which shall be titled the Parker Creek Municipal Utility District of Rockwall County. Clarifies that the district has the powers and duties of a municipal utility district under Chapters 49 and 54, Water Code.

Effective Date: June 17, 2005

SB 1884 **by Ellis** **House Sponsor: Coleman**

Relating to the creation of the Harris County Municipal Utility District No. 460; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

Effective Date: September 1, 2005

SB 1887 **by Ogden** **House Sponsor: Krusee**

Relating to the creation of the Williamson County Municipal Utility District No. 22; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

Creates the Williamson County Municipal Utility District No. 22, and enumerates its powers, duties and obligations.

Effective Date: September 1, 2005

SB 1888 **by Lindsay** **House Sponsor: Van Arsdale**

Relating to the creation of the Harris County Municipal Utility District No. 465; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

Creates a municipality utility district in Harris County.

Effective Date: September 1, 2005

SB 1889 **by Lindsay** **House Sponsor: Van Arsdale**

Relating to the creation of the Harris County Municipal Utility District No. 464; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

Effective Date: September 1, 2005

SB 1891 **by Armbrister** **House Sponsor: Seaman**

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

Creates the La Salle Water Control and Improvement District No. 1 in Calhoun County. The district has the authority to impose a tax and issue bonds, and has the power of eminent domain.

Effective Date: June 17, 2005

SB 1894 **by Deuell** **House Sponsor: Brown, B.**

Relating to the creation, powers, management, and boundaries of certain utility districts and a water control and improvement district in Kaufman County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

Creates the Kaufman County Water Control and Improvement District No. 1, to provide water, sewer, drainage and road improvements to a 586-acre tract located in part of the unincorporated area of Kaufman County and partly in the City of Terrell, Texas.

Effective Date: June 18, 2005

Utilities

HB 841 **by Kolkhorst** **Senate Sponsor: Wentworth**

Relating to the rates charges by a municipally owned utility to certain recreational vehicle parks for potable water or wastewater service.

Requires a municipally owned utility that provides nonsubmetered master metered utility service to a recreational vehicle park to determine the rates for that service on the same basis the utility uses to determine the rates for other commercial businesses that serve transient customers and receive nonsubmetered master metered utility service from the utility. Authorizes the TCEQ to enforce.

Effective Date: September 1, 2005

HB 1207 **by Haggerty** **Senate Sponsor: Lindsay**

Relating to the exclusion of land from a water district with outstanding bonds for failure to provide sufficient services.

Requires the board of a water district to call a hearing on the exclusion of land from the district on a written petition filed with the secretary of the board by a landowner whose land has been included in and taxable by the district for more than 28 years if any bonds issued by the district are outstanding and the petition, among other things, includes a claim that the district has not provided the land with retail utility services and is filed before August 31, 2007, rather than 2005.

Effective Date: June 18, 2005

HB 1208 **by Gattis** **Senate Sponsor: Ogden**

Relating to a limitation on the use of eminent domain by municipal utility districts.

Prohibits a municipal utility district from exercising the power of eminent domain outside the district boundaries to acquire a site to be used for certain purposes or an exclusive easement through a county regional park. Does not apply to the North Harris County Regional Water Authority.

Effective Date: June 9, 2005

HB 1644 **by Callegari** **Senate Sponsor: Lindsay**

Relating to the authority of a water control and improvement district or a municipal utility district to enter into a contract to convey property to another water district or water supply corporation.

Allows water control and improvement districts (WCID) and municipal utility districts (MUD) to enter into contracts with water supply corporations (WSC) or other water districts to acquire and convey to the WSC or other district all or part of a water supply or sewer system.

Effective Date: June 18, 2005

HB 1673 **by Cook, R.** **Senate Sponsor: Armbrister**

Relating to the procedure for conversion and creation of a special utility district.

Authorizes the TCEQ to only consider a purpose for which the district is being created that is specified in the resolution. Clarifies that only those powers specified the water supply corporation in its resolution and application for conversion to a special utility district may be considered in any contested hearing called by the TCEQ, and only those powers specified in that same resolution and application may be included in the agency's order creating the district.

Effective Date: September 1, 2005

HB 2301 **by Turner** **Senate Sponsor: Ellis**

Relating to proceedings involving the change of rates of a water and sewer utility.

Creates additional authorities for the TCEQ to suspend a proposed rate increase and disallow non-supported costs. Allows the TCEQ to suspend the effective date of a rate change for not more than 90 days from the proposed effective date. The suspension can be extended by two days for each day a hearing exceeds 15 days. If the commission does not make a final determination on the proposed rate before the expiration of the applicable suspension period, the proposed rates shall be considered approved, subject to the commissions continuation of a hearing in progress.

Effective Date: September 1, 2005

HB 2876 **by Callegari** **Senate Sponsor: Armbrister**

Relating to certificates of public convenience and necessity for water service and sewer service.

Changes the process for issuance, amendment, and revocation of certificates of convenience and necessity, CCN for water and sewer service by the TCEQ. Grants TCEQ meaningful discretion with regard to its evaluation of CCN applications while giving affected landowners greater latitude in deciding whether or not their land will be included in a certificated area. Also empowers certain landowners to petition TCEQ to have their land decertified from a CCN in instances where the water or sewer service that they have been provided is either nonexistent or lacking.

Effective Date: September 1, 2005

HB 3527 **by Haggerty** **Senate Sponsor: Shapleigh**

Relating to the ability of certain water supply or sewer service corporations to dissolve and transfer assets to a municipality.

Allows for the dissolution of the Ponderosa and Western Village Water Supply Corporation in El Paso County.

Effective Date: June 17, 2005

SB 1063 **by Staples** **House Sponsor: Berman**

Relating to the rates of certain retail public utilities.

Requires all investor owned utilities (IOU) operating in Texas to adhere to a single regulatory scheme, with exception to the application of a single tariff system. One IOU would be allowed to continue collecting a universal rate while all other utilities would be required to establish regional rates.

Effective Date: September 1, 2005