



TEXAS WATER DEVELOPMENT BOARD

LEGISLATIVE WRAP-UP

81ST LEGISLATIVE SESSION, 2009

JANUARY 2010

Texas Water Development Board

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Index of Agency-Tracked Bills in Numerical Order

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SB 638	Senator Nichols/Representative Flynn	Relating to the collateralization of certain public funds; providing administrative penalties.
SB 671	Senator Shapleigh/Representative Gallego	Relating to information requested by a member, committee, or agency of the legislature under the public information law (text of SB 671 is the same as Sec. 2 of SB 1182).
SB 745	Senator Duncan/Representative Solomons	Relating to state travel policies and procedures for the reimbursement or payment of travel expenses.
SB 801	Senator Hegar/Representative Homer	Relating to the appraisal for ad valorem tax purposes of land used for wildlife management.
SB 833	Senator Carona/Representative Chris Turner	Relating to the accrual of vacation and sick leave for certain state employees during a military leave of absence and to the eligibility of military service members to hold state office.
SB 940	Senator Wentworth/Representative Chisum	Relating to the regulation of the public practice of geoscience.
SB 978	Senator West/Representative Elkins	Relating to the creation and financing of public improvement districts.
SB 1016	Senator Estes/Representative Flynn	Relating to the continuation and functions of the Department of Agriculture and the Prescribed Burning Board, the creation of the Texas Bioenergy Policy Council and Texas Bioenergy Research Committee, and the abolition of the Texas-Israel Exchange Fund Board; providing penalties.

SB 1047	Senator Lucio/Representative Oliveira	Relating to the procurement methods authorized for public projects by a combined municipally owned electric, water, and wastewater utility situated in an economically distressed area within 30 miles of the Lower Texas Gulf Coast.
SB 1068	Senator Wentworth/Representative Gallego	Relating to allowing a governmental body to redact certain personal information under the public information law without the necessity of requesting a decision from the Attorney General and allowing information about a public officer or public employee to be withheld if disclosure would pose a substantial risk of physical harm.
SB 1182	Senator Wentworth/Representative Ortiz	Relating to public information and open government.
SB 1371	Senator Lucio/Representative Lucio III	Relating to the colonia self-help program.
SB 1387	Senator Seliger/Representative Crownover	Relating to the implementation of projects involving the capture, injection, sequestration, or geologic storage of carbon dioxide.
SB 1629	Senator Wentworth/Representative Rose	Relating to the persons exempted from the required prepayment of the personnel costs incurred by a governmental body in responding to requests from a requestor under the public information law that require large amounts of personnel time.
SB 2253	Senator Zaffirini/Representative Guillen	Relating to the authority of certain municipalities and counties to regulate platting requirements near an international border.
SB 2298	Senator Watson/Representative Farabee	Relating to compensation of certain state employees.
SB 2312	Senator Averitt/Representative Doug Miller	Relating to eligibility for funds from the water infrastructure fund from the Texas Water Development Board.
SB 2314	Senator Averitt/Representative Callegari	Relating to the adoption of rules by the Texas Water Development Board regarding supplemental funding resulting from federal economic recovery legislation.

TWDB Priority Bills

TWDB Priority Items	Outcome
Removal of EDAP grants 90-10 total financial assistance requirement.	Passed by the Senate and placed on House calendar but not brought up for consideration by full House.
Constitutional amendment regarding general obligation bonds (evergreen).	HR passed the House and SR passed the Senate, but neither resolution passed both chambers.
Eligibility for Water Infrastructure Fund.	Effective September 1, 2009.
Financial assistance for EDAP connections to water and sewer systems.	Effective September 1, 2009.
Eligibility for colonia self-help program.	Effective September 1, 2009.
CWSRF/DWSRF administration of stimulus funds.	Effective immediately.
Frequency of water audits by retail public utilities serving populations of less than 3,300.	Passed by the Senate and placed on the House calendar, but not brought up for consideration by full House.
TWDB authority to purchase, donate, and sell promotional items	Effective September 1, 2009.
Change Floodplain Management Account to Floodplain Management Fund and allow TWDB to utilize interest earned.	Passed by the House and the Senate Intergovernmental Relations Committee, but not placed on the Senate calendar for consideration.
Use of the State Participation Account to encourage desalination projects.	Passed by the Senate and the House Committee on Natural Resources; placed on the House calendar, but never brought up for consideration.

TWDB Priority Legislation Passed in the 81st Legislative Session

House Bill 2374

Representative Guillen/Senator Lucio

Relating to financial assistance by the Texas Water Development Board for the connection of residences in economically distressed areas to public water supply and sanitary sewer systems.

Effective: September 1, 2009

- Amends Chapter 17 of the Texas Water Code to authorize Economically Distressed Area Program (EDAP) fund eligibility for residential plumbing assistance; allowing financial assistance for first-time connection of public water and sewer services to residences in areas already receiving EDAP assistance.
- Under the bill, a political subdivision would be able to use financial assistance to pay for:
 - Costs to connect a residence to a water distribution system constructed under EDAP;
 - Costs to provide yard service connection;
 - Costs to provide a residence with indoor plumbing facilities and fixtures;
 - Costs of connecting a resident to a sewer collection system constructed under EDAP;
 - Necessary connection and permit fees; or
 - Necessary costs of design-related plumbing improvements.

House Bill 4110

Representative Martinez-Fischer/Senator Uresti

Relating to the purchase, donation, and sale of promotional items by the Texas Water Development Board.

Effective: September 1, 2009

- Grants TWDB the authority to purchase and sell promotional items to further the purposes and programs of the agency.
- Provides TWDB the opportunity to use promotional items as one facet of “branding” TWDB’s name in the context of attracting and

recruiting job applicants and raising awareness about programs.

- Allows TWDB to donate or sell the items, including sales through advertising on its Internet website, in order to promote the programs of TWDB.
- Requires the money received from the sale of a promotional item to be deposited in the general revenue fund and authorizes the money to be used only by TWDB to further the purposes and programs of TWDB.

Senate Bill 1371

Senator Lucio/Representative Lucio III

Relating to the colonia self-help program.

Effective: September 1, 2009

- Allows for a greater pool of sponsors, including all political subdivisions (rather than only nonprofits organized under Section 501(c)(3) of the Internal Revenue Code), to be eligible for the program.
- Expands the definition of a colonia to include areas of fewer than 11 dwellings if the TWDB determines a self-help project for that area will be beneficial and cost-effective.
- Allows for advance financing, not to exceed 10% of the total grant, on a determination that participating utilities are sufficiently committed to actually providing water or wastewater service upon completion of the project.

SB 2312

Senator Averitt/Representative Doug Miller

Relating to eligibility for funds from the water infrastructure fund from the Texas Water Development Board.

Effective: September 1, 2009

- Clarifies that entities eligible for other programs administered by TWDB are also eligible to apply for financial assistance through the Water Infrastructure Fund, including nonprofit water supply corporations.

- Removes a reference to an obsolete statutory reference and redefines “eligible political subdivision” to include nonprofit water supply corporations created and operating under Chapter 67 of the Texas Water Code and certain categories of districts such as freshwater supply districts, special utility districts, and municipal utility districts that had been excluded under the prior definition.

SB 2314

Senator Averitt/Representative Callegari
Relating to the adoption of rules by the Texas Water Development Board regarding supplemental funding resulting from federal economic recovery legislation.
Effective: June 19, 2009

- Amends Texas Water Code to clarify the TWDB’s statutory authority to proceed expeditiously with changes to the TWDB’s rules for administering the Clean Water State Revolving Fund and the

Drinking Water State Revolving Fund in order to implement any special federal capitalization grant. Also amends statutory authority to provide financial assistance to “eligible applicants,” rather than “political subdivisions” so that the Drinking Water State Revolving Fund may be used to fund all entities included under the federal Safe Drinking Water Act.

- States that provisions relating to rulemaking under the Administrative Procedure Act (APA) will not apply if the TWDB determines that it is necessary to adopt rules to comply with the terms of a special capitalization grant or other source of special federal funding and APA procedures do not allow for the adoption of the rules in a sufficiently prompt manner.
- Requires that rules adopted under this expedited process must be readopted under APA procedures within 180 days or they expire.
 - Expires on September 1, 2011.

TWDB-Related Bills Passed in the 81st Legislative Session

HB 865

Representative Swinford/Senator Hegar

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

Effective: September 1, 2009

- Creates the Texas Invasive Species Coordinating Committee to assist in controlling and managing invasive species and the effects such species have on the economy, the environment, and people's health.
- Serves as a catalyst for cooperation between state agencies and facilitates governmental efforts (including local initiatives) to manage invasive species.
- Requires the committee to make recommendations to its member agencies regarding research and management actions and facilitate the exchange of information between its member agencies.
- Establishes initial task force members: Texas Water Development Board, Texas Department of Agriculture, Texas Soil and Water Conservation Board, Texas Parks and Wildlife Department, Texas Agri-life Extension Service, and other members, as necessary.
- Appointments to the committee are to be made by the administrative heads of the participating agencies by November 1, 2009.

HB 2275

Representative Raymond/Senator Zaffirini

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

Effective: June 19, 2009

- Creates a 23-member task force comprising agencies, local officials, and stakeholder interests to ensure that statutory provisions related to colonias are consistent and clearly achieve the goals of

promoting uniform standards for subdivisions in the unincorporated areas of counties near the international border and in economically distressed counties.

- Directs the task force to identify conflicts and deficiencies in current law regarding regulations, develop recommendations, and draft proposed legislation to create uniform standards for the regulation of the development of subdivisions in the unincorporated areas of counties near the border and in EDAP eligible counties (those that have adopted Model Subdivision Rules).
- Requires that findings, recommendations, and proposals be submitted no later than December 1, 2010, to the standing committees of the Senate and House of Representatives having primary jurisdiction over border regions and county affairs.
- Identifies the Texas Water Development Board as the entity responsible for the coordination of task force meetings and for administrative support.
- The task force, through the TWDB, can accept gifts and grants or federal or local funds to support the task force.
- Abolishes the task force on September 2, 2012.

HB 3861

Representative Hopson/Senator Nichols

Relating to the financing by the Texas Water Development Board of the proposed Lake Columbia reservoir project.

Effective: June 19, 2009

- Directs TWDB to exercise the discretion available under Texas Water Code, Section 16.135(1), to include revenues from:
 - a political subdivision not currently under contract with the Angelina & Neches River Authority to participate in paying the costs of the site acquisition stage of the project;
 - or

- a political subdivision not currently under contract to purchase a portion of the water to be supplied by the project.
- Allows TWDB to make these findings without identifying these political subdivisions from which revenue is reasonably expected to be received.

SB 1016

Senator Estes/Representative Flynn

Relating to the continuation and functions of the Department of Agriculture and the Prescribed Burning Board, the creation of the Texas Bioenergy Policy Council and Texas Bioenergy Research Committee, and the abolition of the Texas-Israel Exchange Fund Board; providing penalties.

Effective: September 1, 2009

- Creates the Texas Bioenergy Policy Council and the Texas Bioenergy Research Committee to promote the goal of making biofuels a significant part of the energy industry in this state not later than January 1, 2019.
- TWDB will be a member of the Texas Bioenergy Policy Council and the Texas Bioenergy Research Committee.
- The Texas Bioenergy Policy Council will provide a vision for unifying the state’s agricultural, energy, and research strengths in a successful launch of a biofuel industry; foster development of biofuels and biofuel research programs; work to procure federal and other funding; and conduct studies regarding economic development and development of biofuels.
- The Texas Bioenergy Research Committee will identify, research, and/or investigate the development of biomass feedstock in Texas and provide recommendations to the Council that will aid in overcoming barriers to the transporting, distributing, and marketing of bioenergy.

Summary of Bills — By Subject Area

Water Rights

HB 2666

Representative Ritter/Senator Williams

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

Effective: May 12, 2009

- Authorizes the Lower Neches Valley Authority to own, operate, and expand the Devers Canal system in Chambers County and Liberty County.
- Provides that the Chambers-Liberty Counties Navigation District has first rights to enter into contracts to sell water for non-irrigation use in Chambers County. (This is the same protection authorized by the legislature in 1969 when the legislature approved the acquisition of Devers Canal by the Trinity River Authority.)

Water Transfers

HB 4231

Representative Ritter/Senator Eltife

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

Effective: June 19, 2009

- Authorizes use of the bed and banks of any flowing natural stream in the state to convey water, including water imported from a source located wholly outside the boundaries of Texas, but excluding water imported from a source located in the United Mexican States, from the place of storage to the place of use or to the diversion point of the appropriator.
- Clarifies that conveyance or transfer must be done with prior authorization granted under rules prescribed by the Texas Commission on Environmental Quality (TCEQ) and must allow for the diversion of only the amount of water put into a watercourse or stream (less carriage losses)

and must include special conditions adequate to prevent a significant impact to the quality of water in the state.

- Exempts requirements of interbasin transfers to these transfers since new out-of-state water and its movement do not affect the current situation in any basin.

Project Finance

SB 1047

Senator Lucio/Representative Oliveira

Relating to the procurement methods authorized for public projects by a combined municipally owned electric, water, and wastewater utility situated in an economically distressed area within 30 miles of the Lower Texas Gulf Coast.

Effective: May 23, 2009

- Adds a municipally owned combined electric, water, and wastewater utility located in an economically distressed area and located within 30 miles of the Lower Texas Gulf Coast to the list of governmental entities eligible to establish design-build procedures for civil works projects.
- Applies only to Brownsville Public Utility District at this time.

Environmental

SB 1387

Senator Seliger/Representative Crownover

Relating to the implementation of projects involving the capture, injection, sequestration, or geologic storage of carbon dioxide.

Effective: September 1, 2009

- Provides a state-level regulatory framework for the storage and sequestration of Carbon Dioxide (CO₂) into geologic formations that may contain oil or gas.
- Gives the Texas Railroad Commission (RRC) jurisdiction over the injection of CO₂ into wells that are or may produce oil or gas.

- Requires TCEQ and RRC, in consultation with the University of Texas-Bureau of Economic Geology (BEG), to study and recommend to the legislature the appropriate agency to regulate the long term storage of CO₂ into non-oil or gas-producing geologic formations.
- Requires recommendations be developed by the Texas General Land Office (GLO) in conjunction with the TCEQ, the RRC, and the BEG, for managing geologic storage of CO₂ on state-owned lands, including an assessment of storage capacity and new legal and regulatory frameworks that could be necessary based on the GLO recommendations.

Edwards Aquifer Authority

HB 4762

Representative Tracy King/Senator Uresti
Relating to the territory of and the validation of certain governmental acts and proceedings of the Edwards Aquifer Authority.

Effective: September 1, 2009

- Expands the territory of the Edwards Aquifer Authority to include certain parcels of land.
- Validates three groundwater withdrawal permits that were originally issued by the Authority but were determined later to be outside of the Authority's jurisdictional boundaries.
- Clarifies that validation of the three permits would not deviate from the legislative directions given to the Authority in 2007 and that the permitted amounts would not add to the 572,000 acre-foot per year cap because the permitted amounts were included when the cap was amended in 2007.

Groundwater

HB 2063

Representative Callegari/Senator Duncan
Relating to the enforcement of rules by a groundwater conservation district ("district").

Effective: June 19, 2009

- Allows a district to enforce appropriate laws and rules by injunction, mandatory injunction, or

other appropriate remedy in a court of competent jurisdiction.

- Provides for a district to establish reasonable civil penalties for breach of any rule of the district not to exceed \$10,000 per day per violation, and each day of a continuing violation constitutes a separate violation.
- Provides that reimbursement of fixed rate attorney's fees, costs for expert witnesses, and other costs incurred by the district in a judicial proceeding is allowed if the district prevails in any suit to enforce its rules.
- This legislation is in response to the Eastland Court of Appeals holding in *Aspermont v. Rolling Plains Groundwater Conservation District* (May 8, 2008) that municipalities retain sovereign immunity from suits by groundwater conservation districts for monetary penalties.

HB 2619

Representative Frost/Senator Duncan
Relating to the nonsubstantive revision of certain local laws concerning special districts, including conforming amendments.

Effective: June 11, 2011

- This bill is the Legislative Council's codification bill. (Codification is the creation codes, which are the current and enforceable statutes, rules and regulations, into a form that is easy to use and reference.)
- Several local groundwater conservation districts' (GCD) enabling legislation was codified with its passage. These include:
 - Coastal Plains GCD;
 - Sterling County Underground Water Conservation District;
 - Coastal Bend GCD;
 - Brewster County GCD;
 - Fayette County GCD;
 - Kinney County GCD;
 - Hill Country GCD;
 - Mesquite GCD;
 - Fort Bend Subsidence District;
 - Lost Pines GCD; and
 - Lone Wolf GCD.

- Also codified are East Cedar Creek Fresh Water Supply District, Greater Texoma Utility Authority, and various other water districts.

State Agencies

HB 432

Representative Lucio/Senator Estes

Relating to the acquisition by state agencies of low-emissions vehicles and vehicles using alternative fuels.

Effective: September 1, 2009

- Increases from 10% to 20% the percentage of new vehicles rated by the EPA as Tier II, Bin 3 vehicles with a Gas Greenhouse Score of at least eight that must be purchased by state agencies.

HB 605

Representative Farabee/Senator Estes

Relating to mileage reimbursement for state employees.

Effective: September 1, 2009

- Allows alternative calculations of reasonable travel routes for employee mileage reimbursement to include consideration of alternate routes for safety and time efficiency concerns.

HB 874

Representative Callegari/Senator Lucio

Relating to the abolition of the Texas Incentive and Productivity Commission and the state employee incentive program.

Effective: June 19, 2009

- Abolishes the Texas Incentive and Productivity Commission and the state employee incentive program.
- Repeals general provisions in the Government Code, as well as the individual agency statutory provisions (for the Texas Water Development Board, Texas Water Code Annotated §6.196) requiring agencies to provide information and training on the benefits and methods of participation in the program.

HB 1705

Representative Geren/Senator Ellis

Relating to the Department of Information Resources (DIR), including the abolition of the Telecommunications Planning and Oversight Council (council), the electronic commerce network, and the electronic procurement marketplace, and standards for certain school district software.

Effective: September 1, 2009

- Abolishes the council, the electronic commerce network, and the electronic procurement marketplace and standards for certain school district software. Transfers rulemaking authority from the council to DIR.
- Authorizes the Comptroller, rather than the Texas Facilities Commission, to adopt rules to insure the identification, security, and confidentiality of bids submitted through the use of facsimile transmission or on-line electronic transmission. Requires state agency strategic plans include a description of the agency's information resources management organizations, policies, and practices, including the extent to which the agency uses its project management practices rather than its internal quality assurance procedures.
- Authorizes DIR to require a state agency to provide a planned procurement schedule for commodity items if DIR determines that the information in the schedule can be used to provide a benefit to the state.

HB 1830

Representatives Corte/Edwards/Senator Ellis

Relating to information technology security practices of state agencies.

Effective: September 1, 2009

- Allows DIR to receive criminal history information for employees, contractors, and applicants and exempts the information from certain public information and open meeting requirements.
- Amends the Open Meetings Act exempting the DIR board from open meeting requirements covering computer security or infrastructure issues.

- Amends the Public Information Act to exempt from disclosure certain network information.
- Updates requirements that agency Information Resources Manager must include in the network vulnerability report and executive summary of the report. Requires that an assessment of infrastructure be included in the report assessment. Allows the report to be provided electronically and adds the agency executive administrator as a recipient of the report.

HB 2004

Representative McCall/Senator Ellis

Relating to a breach of computer security involving sensitive personal information and to the protection of sensitive personal information and certain protected health information.

Effective: September 1, 2009

- Requires state and local agencies to notify individuals when their sensitive personal information has been acquired as a result of an unauthorized breach.
- Amends existing law relating to a breach of computer security involving sensitive personal information and to the protection of sensitive personal information and certain protected health information.

HB 2283

Representative Truitt/Senator Deuell

Relating to increasing state employee participation in the TexaSaver program.

Effective: September 1, 2009

- Authorizes Employee Retirement System (ERS), subject to a separate legislative appropriation for that purpose, to make matching contributions to a 401(k) plan on behalf of employees participating in the plan solely from, and in an amount specified by, the appropriation.
- Authorizes an employee participating in a 401(k) plan under rules adopted by the board of trustees of ERS, to elect to end participation in the 401(k) plan, to contribute to a different investment product, to contribute a different amount to

the plan, or to designate all or a portion of the employee's contribution as a Roth contribution subject to availability of a Roth contribution program.

SB 638

Senator Nichols/Representative Flynn

Relating to the collateralization of certain public funds; providing administrative penalties.

Effective: September 1, 2009

- Establishes a permissive pooled collateral program.
- Provides for centralization of collateral function in a pool to be tracked/verified to meet state requirements.
- Requires the Comptroller to implement pooled programs.

SB 745

Senator Duncan/Representative Solomons

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

Effective: September 1, 2009

- Revises procedures and requirements relating to advance written approval, completion, and submission of vouchers for state employee travel.

SB 940

Senator Wentworth/Representative Chisum

Relating to the regulation of the public practice of geoscience.

Effective: September 1, 2009

- Expands the role of the Texas Board of Professional Geoscientists (TBPG) and streamlines the complaint and investigation process outlining the various steps and procedures that are required to be taken.
- Requires TBPG to issue advisory opinions and make the opinions available on the Internet.
- Authorizes a person who expresses the intent to become a licensed geoscientist to register with TBPG as a geoscientist in training.

Tax

SB 801

Senator Hegar/Representative Homer
Relating to the appraisal for ad valorem tax purposes of land used for wildlife management.

Effective: January 1, 2010

- Redefines “wildlife management” to include qualified timber lands.
- Provides that land is not eligible for appraisal as wildlife management land if the land is located inside the corporate limits of an incorporated city or town, unless the land has been devoted principally to agricultural use or to production of timber or forest products continuously for the preceding five years, and is used for wildlife management.

Public Information

SB 671

Senator Shapleigh/Representative Gallego
Relating to information requested by a member, committee, or agency of the legislature under the public information law (text of SB 671 is the same as Sec. 2 of SB 1182).

Effective: September 1, 2009

- Provides that a member, committee or agency of the legislature required by a governmental body to sign a confidentiality agreement may seek a decision from the Attorney General about whether the information is confidential under the law.
 - Provides that the Attorney General has 45 days from the date of the request to render a decision.
 - Establishes that the requestor may appeal the decision to the Travis County district courts.

SB 1068

Senator Wentworth/Representative Gallego
Relating to allowing a governmental body to redact certain personal information under the public information law without the necessity of requesting a decision from the Attorney General and allowing information about a public officer or public

employee to be withheld if disclosure would pose a substantial risk of physical harm.

Effective: June 4, 2009

- Allows the redaction of certain personal information by a governmental agency under the public information law without the necessity of requesting a decision from the Attorney General and allows information about a public officer or public employee to be withheld if disclosure would pose a substantial risk of physical harm.
- Entitles the requestor to seek a decision from the Attorney General about the matter. The Attorney General is to adopt rules to establish procedures and guidelines for seeking a decision.
- Requires the governmental agency to provide on a form prescribed by the Attorney General a description of the redacted information, citation to the appropriate law, and instructions regarding how the requestor may seek a decision from the Attorney General.

SB 1182

Senator Wentworth/Representative Ortiz
Relating to public information and open government.

Effective: September 1, 2009

- Allows a member of a municipal staff or a municipal governing body to make a report regarding an item of “community interest” to the governing body of the municipality without giving notice of the meeting as long as no action is taken on the “community interest” item.
- Defines “items of community interest” to be:
 - Expressions of thanks, congratulations, condolences
 - Recognitions of officials, employees, citizens
 - Reminders about upcoming events
 - Information about a social, ceremonial, or community event
 - Announcements of imminent threat
- Provides that a member, committee, or agency of the legislature required by a governmental body to sign a confidentiality agreement may seek a decision from the Attorney General about whether the information is confidential under the law.

- Provides that the Attorney General has 45 days from the date of the request to render a decision.
- Establishes that the requestor may appeal the decision to the Travis County district court.

SB 1629

Senator Wentworth/Representative Rose

Relating to persons exempted from the required prepayment of personnel costs incurred by a governmental body in responding to requests under the Public Information Act that require large amounts of personnel time.

Effective: September 1, 2009

- Provides that certain newspapers and magazines are exempt from the cost-recovery provisions of the Public Information Act.

Local Government & Regulation

HB 807

Representative Gallego/Senator Uresti

Relating to allowing counties with no incorporated territory to participate in programs designed to assist municipalities.

Effective: September 1, 2009

- Allows any county that contains no incorporated territory of a municipality to apply for grants and other funding otherwise available to municipalities on behalf of locations within the county that are census-designated places for the purpose of participating in any federal or state program that provides grants, loans, or other assistance to municipalities.

HB 987

Representative Creighton/Senator West

Relating to competitive procurement requirements for local governments.

Effective: June 19, 2009

- Raises the contract threshold to require competitive bidding from \$25,000 (or lower in some instances) to \$50,000 for most local governmental entities.

- Allows governmental entities to designate one person to be in charge of change orders for work within an original contract that costs less than \$50,000.
- Repeals the section of the Local Government Code that prohibited attorney's fees against governmental entities in contract disputes.

HB 1922

Representative Martinez-Fischer/Senator Uresti
Relating to the authorization of certain reuse water system contributions and discharges.

Effective: June 19, 2009

- Amends Chapter 26, Texas Water Code, to provide certain permit authorizations for wastewater treatment and disposal activities by municipalities with a population of one million or greater.
- Allows the TCEQ to authorize a wastewater treatment facility to add treated domestic wastewater to an otherwise permitted reuse facility as "reclaimed water" and to authorize the discharge of reclaimed water through any wastewater facility outfall that is permitted for reuse water. Makes provisions for allocation of penalty events among reclaimed water, reuse water, and wastewater contributors to an outfall. Also requires approval by the U.S. Environmental Protection Agency (USEPA).

HB 2667

Representative Ritter/Senator Hinojosa

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

Effective: September 1, 2009

- Amends Chapter 372, Health and Safety Code, by setting forth certain water-saving standards for certain plumbing fixtures.
- Requires a manufacturer of water use devices to begin selling products that use less water. Efficiency standards would be phased in between 2010 and 2014.
- Allows local governments to pass an ordinance to opt out of water efficiency requirements if their drainage or sewer system requires more water to operate efficiently.

SB 978

Senator West/Representative Elkins

Relating to the creation and financing of public improvement districts.

Effective: June 19, 2009

- Amends existing law in Chapter 372, Local Government Code, to clarify that a public improvement district created under the Public Improvement District Assessment Act is not a separate body politic or body corporate from the municipality or county that created the district.
- Expands the methods that can be used to fund public improvement projects, add projects that qualify for funding as a public improvement project, and provides for additional uses of public improvement district funds.
- Authorizes the municipality or county to undertake one or more improvement projects that confer a special benefit on the property located in the public improvement district, to include, but not limited to, the acquisition, construction, or improvement of a rainwater harvesting system.
- Makes changes to operational procedures of a district.

SB 2253

Senator Zaffirini/Representative Guillen

Relating to the authority of certain municipalities and counties to regulate platting requirements near an international border.

Effective: June 19, 2009

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

Human Resources

HB 978

Representative Burnam/Senator Watson

Relating to the employment rights of certain individuals with disabilities.

Effective: September 1, 2009

- Amends the Labor Code to require the term “disability” to be construed in favor of broad coverage of individuals under provisions that prohibit employment discrimination against certain classes of individuals.
- Includes impairments that are episodic or in remission and that substantially limit a major life activity when active.

HB 1462

Representative Pickett/Senator Uresti

Relating to leave for certain state employees who volunteer or participate in training for Court Appointed Special Advocates.

Effective: September 1, 2009

- Grants a state employee leave not to exceed five hours each month to participate in mandatory training or perform volunteer services for Court Appointed Special Advocates without a deduction in salary or loss of vacation time, sick leave, earned overtime credit, or state compensatory time.

HB 2360

Representative Farias/Senator West

Relating to the provision of information regarding employee eligibility for the federal earned income tax credit.

Effective: September 1, 2009

- Requires each employer, not later than March 1 of each year, to notify employees about the general eligibility requirements for the earned income tax credit. Requires Texas Workforce Commission (TWC) to periodically inform employers of their duty under these provisions and authorizes TWC to adopt rules.

SB 833

Senator Carona/Representative Chris Turner
Relating to the accrual of vacation and sick leave for certain state employees during a military leave of absence and to the eligibility of military service members to hold state office.

Effective: November 2, 2009

- Allows a state employee on unpaid leave of absence for military service to continue to accrue vacation and sick leave and state service credit and is credited with the leave when the employee returns to state service.
- A position in or membership in the state military forces is not considered to be a civil office of emolument.

SB 2298

Senator Watson/Representative Farabee
Relating to compensation of certain state employees.

Effective: June 19, 2009

- Authorizes an employee to be paid for compensatory time the employee earns for work directly related to a disaster or emergency.
- Authorizes an employee of a state agency to accumulate compensatory time for hours worked during any calendar week at the employee's personal residence if the employee obtains advance approval of the administrative head (or a designee) of the agency for which the employee works.
- Eliminates the six-month limitation on the effective date of merit increases for state employees if the merit payment is made in relation to performance during a natural disaster or other extraordinary circumstance.

Emergency Management

HB 1579

Representative Gonzales/Senator Lucio
Relating to a county's removal of flood water resulting from a natural disaster in certain communities.

Effective: June 19, 2009

- Authorizes a county to provide assistance for the removal from private property, including a road, of flood water resulting from a natural disaster in a colonia if the removal of the water is necessary to protect the health and safety of the colonia.

HB 1831

Representative Corte/Senator Carona
Relating to disaster preparedness and emergency management and to certain vehicles used in emergencies; providing a penalty.

Effective: June 19, 2009

- Addresses enforcement mechanisms for evacuation orders; implementation of a phased reentry plan into a declared disaster area; emergency response plans for the agricultural community; requirements that agencies involved in emergency management disseminate information or report the effectiveness of their emergency response to the legislature.
- Amends current law relating to disaster preparedness and emergency management and to certain vehicles used in emergencies and provides a penalty.

Purchasing

HB 2521

Representative Pickett/Senator West
Relating to a preference in state purchasing for certain media-related services offered by businesses based in Texas.

Effective: September 1, 2009

- Requires that state agencies show a preference for Texas production companies in the creation of their advertising.
- Provides a definition of what constitutes a Texas production company.
- Amends current law relating to a preference in state purchasing for certain media-related services offered by businesses based in Texas.

SB 229

Senator West/Representative Callegari
Relating to the procurement methods authorized for public projects by certain local governments.

Effective: June 19, 2009

- Clarifies existing statutes to allow local governments to use the design-build procurement method for procuring civil works projects after September 1, 2009. Statute as previously written did not consider requirements after September 1, 2009.

Texas Water Development Board Appropriations Highlights – 81st Legislature

Item Name	FTE		TWDB		Debt Service		Biennial
	FY10	FY11	FY10	FY11	FY10	FY11	Total
Baseline reduction for FY08-09 one-time items			(3,444,250)	(3,444,250)			(6,888,500)
Appropriation of GR for administration of Development Fund programs			1,685,532	1,684,819			3,370,351
Groundwater science for groundwater management exceptional item	7.50	7.50	1,883,863	1,845,088			3,728,951
Enhancing recharge to the Ogallala Aquifer exceptional item	1.00	1.00	411,515	406,345			817,860
SB3 environmental flows exceptional item	1.00	1.00	319,952	243,852			563,804
Appropriation of WAF for Edwards Aquifer Recovery Implementation Program			1,692,500				1,692,500
Authority to issue \$75 million in State Participation bonds					1,890,625	3,953,125	5,843,750
Authority to issue \$17.5 million in EDAP bonds					691,146	1,423,646	2,114,792
Authority to issue \$377.5 million in WIF bonds					14,948,726	23,540,649	38,489,375
FY09 supplemental appropriation for Medina Lake Dam			4,000,000				4,000,000
Total	9.50	9.50	6,549,112	735,854	17,530,497	28,917,420	53,732,883

- Reduced baseline request in Legislative Appropriations Request (LAR) by \$6,888,500 since this was for one-time items in FY08-09.
- Appropriated \$3,370,351 in general revenue for administration of Development Fund programs.
- Appropriated \$3,728,951 in general revenue and increased Full Time Employees (FTE) by 7.5 for the groundwater science for groundwater management exceptional item.
- Appropriated \$817,860 in general revenue and increased FTEs by 1 for the Ogallala Aquifer exceptional item.
- Appropriated \$563,804 in general revenue and increased FTEs by 1 for the environmental flows exceptional item.
- Appropriated up to \$1,692,500 from balances in the Water Assistance Fund for the Edwards Aquifer Recovery Implementation Program.
- Amended the rider on the Water Infrastructure Fund to direct that appropriations be used for recommended water management strategies in the 2007 State Water Plan and priority be given to those projects with the earliest implementation date.
- Added a rider to transfer \$300,000 per year in general revenue appropriations for the Colonia Self-Help Program to the Water Assistance Fund.
- Added a rider to allow the transfer of unexpended balances from the first year of the biennium to the second.
- Added a rider to exempt bond sale travel from the out-of-state travel cap.
- Added a rider to allow reimbursement of expenses for the Texas Environmental Flows Science Advisory Committee and the Basin and Bay Expert Science Teams.
- Added a rider to transfer \$525,000 each fiscal year from general revenue to the Water Assistance Fund to reimburse travel and provide compensation to the members of the Texas Environmental Flows Science Advisory Committee and the Basin and Bay Expert Science Teams.
- Added a rider stating legislative intent to fund connections as allowed by law.

- Added a rider in Article IX stipulating that the appropriations made may not be used to fund the acquisition of a reservoir site for the Marvin Nichols Reservoir until December 2010 when the final study by the Region C Study Commission is due.

Non-Self Supporting General Obligation Water Bonds

- Appropriated \$46,447,917 in general revenue for debt service on \$470 million in new legislative bonding authority for FY10-11:
 - \$75,000,000 in State Participation authority
 - \$17,500,000 in EDAP authority
 - \$377,500,000 in Water Infrastructure Fund authority
- Approved the issuance of \$66,870,000 in EDAP bonds for which the debt service is included in the baseline debt service. This will provide \$50,000,000 in new legislative bond authority and \$16,870,000 for existing commitments.
- Approved the issuance of \$150,050,000 in State Participation bonds for which the debt service is included in the baseline debt service. This will provide for existing commitments.
- Approved the issuance of \$95,865,000 in Water Infrastructure Fund bonds for which the debt service is included in the baseline debt service.
- Added a rider that allows authority to be transferred between non-self supporting bond programs as long as the debt service does not exceed the general revenue appropriation, the issuance is approved by the Bond Review Board, and the issuance is not disapproved by the Legislative Budget Board.
- Added a rider stating that the TWDB is authorized to issue non-self supporting bonds provided that the debt service does not exceed the general revenue appropriation, the issuance is approved by the Bond Review Board, and the issuance is not disapproved by the Legislative Budget Board.

SB 1 Appropriations/Finance

Bill Provisions	Date	Resources (Budget, Staffing, External Input)	Rules, Policies, Amendments, Actions	Responsible Party	Reports/Outcomes
HB 4586 - FY 09 Supplemental Appropriation for improvements to the Medina Lake Dam	Summer 2009	\$4,000,000 in General Revenue	Staff review of interlocal agreement; Board approval of application for grant	Legal, Project Finance, Construction Assistance	Grant to the Bexar-Medina Atascosa Water Control and Improvement District #1
Appropriation of General Revenue (GR) for administration of Development Fund Programs	September 2009	\$3,370,351 in General Revenue	Budget revision for source of funds	Finance	Revise budget to fund Development Fund (DFund) work from GR
Groundwater Science for groundwater management exceptional item	September 2009	\$3,728,951 in General Revenue 7.5 FTEs	Request and approve grant applications; hire staff	Water Science & Conservation	Data on brackish groundwater resources and minor aquifers, updated groundwater availability models
Enhancing recharge to the Ogallala Aquifer exceptional item	September 2009	\$817,860 in General Revenue 1 FTE	Procure professional services; hire staff	Water Science & Conservation	Information on playa modification techniques for enhancing aquifer recharge
SB3 environmental flows exceptional item	September 2009	\$563,804 in General Revenue 1 FTE	Support advisory committees; hire staff	Water Science & Conservation	Support for the environmental flow recommendations for the priority basins identified in statute
Appropriation of the Water Assistance Fund for the Edwards Aquifer Recovery Implementation Program	September 2009	\$1,692,500 in Water Assistance Fund balances	Identify funds in the Water Assistance Fund; approve and monitor grants	Water Resources Planning & Information	Studies related to the Edwards Aquifer Recovery Implementation Program
Authority to issue \$75 million in State Participation bonds.	September 2009	\$5,843,750 in General Revenue	Issuance based on applications received and timing of projects	Project Finance, Finance	Issuance of bonds with proceeds used to provide financial assistance for State Participation projects

Bill Provisions	Date	Resources (Budget, Staffing, External Input)	Rules, Policies, Amendments, Actions	Responsible Party	Reports/Outcomes
Authority to issue \$17.5 million in EDAP bonds	September 2009	\$2,114,792 in General Revenue	Issuance based on applications received and timing of projects	Project Finance, Finance	Issuance of bonds with proceeds used to provide financial assistance for EDAP projects
Authority to issue \$377 million in Water Infrastructure Fund bonds	September 2009	\$38,489,375 in General Revenue	Issuance based on applications received and timing of projects	Project Finance, Finance	Issuance of bonds with proceeds used to provide financial assistance for Water Infrastructure Fund projects

Texas Water Development Board

Appropriations Riders – 81st Legislature

Rider	Impact	Responsible Party	Reports/Outcome
Rider #18 Water Infrastructure Fund rider amended to direct that appropriations be used for recommended water management strategies in the State Water Plan and priority be given to those projects with the earliest implementation date.	Legislative directive pertaining to use of Water Infrastructure Funds	Project Finance / Water Resources Planning and Information	
Rider #19 Allows transfer of \$300,000 per year in GR for the Colonia Self-Help program to the Water Assistance Fund	Complies with statutory basis of Colonia Self-Help and allows funding of projects that may cross fiscal years	Finance	Transfer to occur annually
Rider #20 Allows transfer of unexpended balances from the first year of the biennium to the second	Provides flexibility to fund operations and grants within the biennium as appropriate	Finance	Transfer available funds as appropriate
Rider #21 Exempts bond sale travel from the out-of-state travel cap	Allows travel for bond sales to occur as needed without impacting other agency travel needs.	Finance	Finance to develop methodology to track bond sale travel separately
Rider #23 Allows for reimbursement of expenses for the Texas Environmental Flows Science Advisory Committee and the Basin and Bay Expert Science Teams.	Provides necessary authorization to reimburse advisory committee members	Water Science and Conservation/ Finance	Disbursement of reimbursements as appropriate
Rider #25 Transfers \$525,000 each fiscal year from GR to the Water Assistance Fund to reimburse travel and provide compensation to the members of the Texas Environmental Flows Science Advisory Committee and the Basin and Bay Expert Science Teams.	Provides \$525,000 as allowed in statute	Finance/ Water Science and Conservation	Transfer and disbursement of reimbursements as appropriate
Rider #24 Stated legislative intent to fund connections in the Economically Distressed Areas Program, as allowed by law.	Legislative directive in compliance with HB 2374	Project Finance	Commitment and disbursement of financial assistance as appropriate
Art IX, Sec 17.17 Language stipulating that appropriations made may not be used to fund the acquisition of a reservoir site for the Marvin Nichols Reservoir until December 2010 when the final study by the Regional C Study Commission is due.	Legislative directive pertaining to funding of Marvin Nichols Reservoir.	Project Finance/ Water Resources Planning & Information	

81st Texas Legislature Implementation Schedule

Bill	Bill Description	TWDB Priority Bill	Effective Date	Agency Action Required	TWDB Division
HB 432	Relating to the acquisition by state agencies of low-emission vehicles and vehicles using alternative fuels		9/1/2009	Additional information regarding alternative fuels to be added to TWDB's Annual Financial Report.	Operations & Administration: Support Services/ Contract Administration
HB 865	Relating to the establishment of the Texas Invasive Species Coordinating Committee		9/1/2009	Executive Administrator (EA) to appoint one individual to represent the agency on the Committee. Appointment: Kathy Calnan	Executive
HB 2275	Creating a task force to develop uniform standards for subdivisions in the unincorporated areas of counties near the international border and in EDAP eligible counties		6/19/2009	EA to appoint an individual to represent TWDB on the Task Force. TWDB will provide administrative staff to support the Task Force. Appointment: Joe Reynolds	Executive
HB 2283	Attempts to increase state employee participation in the Texa\$aver program		9/1/2009	Human Resources (HR) to notify staff of statutory changes giving the option to designate all or a portion of deferred amounts to Roth contributions.	Operations & Administration: Human Resources
HB 2360	Requires employee notification of eligibility for the federal earned income tax credit		9/1/2009	Staff notification of general eligibility requirements for the federal earned income tax credit employees by March 1 each year.	Operations & Administration: Human Resources
HB 2374	Clarifies TWDB authority to provide financial assistance for connections of residences to public water supply and sanitary sewer systems through EDAP	X	9/1/2009	TWDB rule update to further clarify EDAP may provide financial assistance for the costs associated with the initial connection to public water supply and sanitary sewer systems of residences.	Project Finance
HB 2521	Requires implementing a preference in state purchasing contracts for certain media-related services.		9/1/2009	TWDB contracting procedures revised to include a preference for Texas-based commercial production companies and advertising agencies when soliciting bids, proposals, offers, or qualifications for an advertising campaign that involves the creation or production of a commercial.	Operations & Administration: Support Services/ Contract Administration

Bill	Bill Description	TWDB Priority Bill	Effective Date	Agency Action Required	TWDB Division
HB 3861	Requires TWDB to exercise discretion available under current law for the proposed Lake Columbia reservoir project		6/19/2009	TWDB will exercise discretion available under Section 16.135, Water Code.	Project Finance
HB 4110	Allows for the purchase, donation, and sale of TWDB promotional items	X	9/1/2009	TWDB to create an internal policy regarding the purchase and distribution of agency promotional items.	Operations & Administration: Communications
SB 745	Requires revisions to state travel policies and procedures for the reimbursement or payment of travel expenses		9/1/2009	Accounting to update agency policy regarding employee travel procedures.	Finance
SB 833	Revises statute related to the accrual of vacation and sick leave for certain state employees during a military leave of absence and to the eligibility to hold state office		11/3/2009	HR to revise agency policy related to unpaid leave of absence during military duty accrual of vacation leave and sick leave.	Operations & Administration: Human Resources
SB 1016	Texas Department of Agriculture Sunset bill; creates the Texas Bioenergy Council and the Texas Bioenergy Research Committee		9/1/2009	TWDB to appoint a member to the Texas Bioenergy Policy Council and the Texas Bioenergy Research Committee. Appointments made: Edward Vaughan to Council and Dr. Robert Mace to the Research Committee.	Texas Water Development Board
SB 1047	Revises procurement methods authorized for certain public projects located in an economically distressed area within 30 miles of the Lower Texas Gulf Coast		5/23/2009	TWDB staff notification of new requirements applicable to funding projects of municipally owned entities described in Section 271.182 of the Local Government Code.	ARRA
SB 1371	Allows for rule revisions to Colonia Self-Help program requested by TWDB	X	9/1/2009	TWDB Colonia Self-Help rule revision to reflect changes made in statute.	Project Finance
SB 2312	Allows for expanded eligibility of the WIF as requested by TWDB	X	9/1/2009	TWDB to adopt a conforming change to existing rule regarding the definition of "eligible political subdivision."	Project Finance

Bill	Bill Description	TWDB Priority Bill	Effective Date	Agency Action Required	TWDB Division
SB 2314	Gives TWDB flexibility for rule adoption and suspension on an as needed basis. This is limited to American Recovery and Reinvestment Act related projects, as requested by TWDB.	X	6/19/2009	TWDB will adopt and/or suspend, as needed, rules specifying the manner in which any special capitalization grant under any state revolving fund received as a result of federal economic recovery legislation may be used to provide financial assistance to an eligible applicant for public works. Rules will require financial assistance to be provided for the purpose the federal program under which the additional state revolving fund was established or the grant was awarded.	Legal

Groundwater Conservation District Changes

Bill #	Author	Groundwater Conservation District
Creation of a new district		
SB 726	Eltife/Hughes	Relating to the creation of the Harrison County and Prairielands groundwater conservation districts.
SB 2456	Hinojosa/Rios Ybarra	Relating to the creation of the Brush County Groundwater Conservation District.
SB 2497	Estes/Hardcastle	Relating to the creation of the North Texas Groundwater Conservation District.
SB 2529	Estes/Phillips	Relating to the creation of the Red River Groundwater Conservation District.
Dissolution of an existing district		
SB 663	Averitt/Miller, Sid	Relating to the dissolution of the Tablerock Groundwater Conservation District.
Amendment of an existing district		
HB 753	Gonzalez Toureilles /Hegar	Relating to the date for electing directors of the Goliad County Groundwater Conservation District.
HB 1518	Corte/Wentworth	Relating to the addition of territory to and the amount of production fees imposed by the Trinity Glen Rose Groundwater Conservation District.
HB 1664	King, Phil/Estes	Relating to an exemption for groundwater used for certain purposes from production fees assessed by the Upper Trinity Groundwater Conservation District.
HB 1923	Heflin/Duncan	Relating to the Irion County Water Conservation District.
HB 1947	Kuempel/Wentworth	Relating to the election and terms of office of directors of the Guadalupe County Groundwater Conservation District.
HB 4713	Miller, Doug/Wentworth	Relating to certain exemptions from ad valorem taxes imposed by the Cow Creek Groundwater Conservation District.
HB 4785	Weber/Jackson, Mike	Relating to the powers and financing of the Brazoria County Groundwater Conservation District.
SB 848	Nichols/Cook	Relating to the election, and validation of acts, of members of the board of directors of the Anderson County Underground Water Conservation District.
SB 1209	Fraser/Miller, Sid	Relating to the Middle Trinity Groundwater Conservation District.
SB 1755	Fraser/Sheffield	Relating to the election of directors of the Clearwater Underground Water Conservation District.
SB 2495	Zaffirini/Gonzales-Toureilles	Relating to the eligibility requirements to serve as a member of the board of directors of the Bee Groundwater Conservation District.
SB 2513	Averitt/Dunnam	Relating to the name and confirmation of, and to certain fees imposed by, the McLennan County Groundwater Conservation District and to the authority to create certain adjacent groundwater conservation districts.
SB 2520	Duncan/Heflin	Relating to election and qualifications of members of the board of directors of the Santa Rita Underground Water Conservation District.
SB 2543	Hegar/Callegari	Relating to the enforcement of rules by the Harris-Galveston Subsidence District and the Fort Bend Subsidence District.
SB 2570	Lucio/Rios Ybarra	Relating to the board of directors of the Kenedy County Groundwater Conservation District.