

WEAT Bill Tracking Update
Bills Passed
80th Legislative Session
June 30, 2007

House Bills

- HB 3** Relating to the management of the water resources of the state, including the protection of instream flows and freshwater inflows.
Author: Puente
- Establishes Environmental Flows Advisory Group (EFAC) and stakeholder process for developing environmental flow regimes for designated river basin and estuary systems.
 - Requires recommendations by March 2009.
 - Requires TCEQ to adopt by September 2010.
 - Allows state water to be appropriated to the extent that it has not been set aside to meet instream or freshwater flow needs.
- HB 4** Relating to water conservation.
Author: Puente
- Promotes voluntary land stewardship.
 - Establishes Water Conservation Council to provide expert advice to state leadership.
 - Requires retail utilities with over 3300 connections to submit water conservation plans to TCEQ based on targets and goals developed by the utility.
 - Requires stricter metering and additional accountability of water usage.
 - Authorizes TWDB to develop a state-wide water conservation public awareness initiative.
 - Encourages development of on-site reclaimed system technology curriculum.
 - Includes standards for use of harvested rainwater.
 - Requires TCEQ to consult with Water Conservation Advisory Council on development of standards for landscape irrigators.
- HB 147** Relating to the deferral of an administrative penalty imposed by the TCEQ against certain utilities and districts.
Author: Phillips
- Allows TCEQ to defer payment of an administrative penalty against a utility if the utility complies with all corrective actions required to address the violations
- HB 149** Relating to rates charged for water and sewer services by an entity that takes over a non-functioning water or sewer system.

Author: Phillips

- Requires TCEQ to establish a streamlined procedure that allows a retail public utility that takes over the provision of services for a nonfunctioning retail water or sewer utility service provider to charge a reasonable rate for the services provided to the customers of the nonfunctioning system.

HB 462 Relating to the authority of certain municipalities to collect infrastructure fees from certain government entities.

Author: Miller

- Authorizes a municipality with a population of 25,000 or less and through which the Bosque River runs to collect from a state agency or public institution of higher education a fee charged for the development or maintenance of stormwater programs.

HB 536 Relating to the consent required for a municipality to annex a water or sewer district.

Author: Truitt

- Authorizes certain municipalities to annex an area in a water or sewer district without obtaining written consent of any other municipality when certain criteria are met.

HB 823 Relating to the liability of certain licensed or registered professionals for damages arising from certain services provided during an emergency.

Author: Ritter

- Provides that licensed architects and engineers are not civilly liable due to a fault in the performance of services during a government-declared disaster unless the fault results from gross negligence or willful, wanton, or intentional misconduct.

HB 899 Relating to the operation and functions of the Texas Board of Professional Engineers and the regulation of the practice of engineering.

Author: Smith of Harris

- Removes conflicting statutory language, adds a member to the board, reduces the professional fee for license holders over 65 years of age, clarifies results to be reported to licensing candidates, clarifies when an engineer must use a seal, removes prohibitions on reporting investigation results by a board member to other board members, and repeals Section 1001.109 (Board Secretary's Duties and Salary), Occupations Code.

HB 1254 Relating to environmental permitting fees and electronic reporting.

Author: Bonnen

- Authorizes TCEQ to adjust fees to encourage electronic reporting and the use of TCEQ's electronic document receiving system.

- HB 1314** Relating to the regulation of water and sewer utility systems in certain counties; providing a civil penalty.
Author: Bailey
- Authorizes a county with a population of 3.3 million or more, by order, to prohibit a person from installing an on-site sewage disposal system, as defined by Section 366.002, Health and Safety Code, or installing a water well, if the lot or parcel of land on which the on-site sewage disposal system or water well is to be installed has access to service from a water or sewer system; and to prohibit a person from installing another water or sewer utility system to serve a lot or parcel of land within the area if the lot or parcel of land has access to service from a water or sewer utility system.
- HB 1391** Relating to the authority to regulate certain water and sewage utilities to ensure public safety in residential areas.
Author: Turner
- Requires a regulatory authority for a public utility by rule or ordinance to adopt standards for maintaining sufficient water pressure for service to fire hydrants adequate to protect public safety in residential areas in a municipality with a population of 1,000,000 or more.
- HB 1656** Relating to the regulation by municipalities of irrigation systems and irrigators.
Author: Puente
- Requires certain municipalities to require an installer of an irrigation system to hold a license, and obtain a permit before installing an irrigation system.
 - Requires irrigation systems to be based on certain minimum standards and specifications, and installed so that water is used efficiently in irrigating landscapes.
 - Authorizes water districts to adopt and enforce rules requiring an installer of an irrigation system to hold a license issued under and obtain a permit before installing an irrigation system.
- HB 1886** Relating to the procurement methods of certain political subdivisions and certain other entities for the construction, rehabilitation, alteration, or repair of certain projects.
Author: Callegari
- Creates a design-build process for civil works projects and allows certain local governmental entities to use this process on a phased basis based on population of service area.
 - Expands the use of competitive sealed proposals and construction manager-at-risk civil works projects.

- Requires governmental entities to designate or select architects or engineers for job order contracting projects and prohibits the procurement of design services through interlocal agreements except in certain circumstances.

HB 3475 Relating to the authority of certain counties to acquire, construct, or operate a water supply system or sewage system and own or operate a utility.

Author: Gallego

- Allows Val Verde County the authority to acquire, construct, or operate a water supply system or sewage system and own or operate a utility to serve and protect Amistad Lake from the continued development in the area.

Senate Bills

SB 3 Relating to the development, management, and preservation of the water resources of the state; providing penalties.

Author: Averitt

- Includes environmental flows provisions similar to HB 3.
- Includes water conservation and planning language similar to HB 4.
- Designates certain sites as uniquely situated for building of reservoirs.
- Creates joint interim committee to review water infrastructure financing and funding of state agency water programs.
- Creation/modification of several groundwater conservation districts.

SB 688 Relating to the area served by certain municipal drainage utility systems.

Author: Shapleigh

- Allows the City of El Paso to extend the service area for its municipal drainage utility systems outside of its municipal boundaries.

SB 1037 Relating to the prevention of surface water or groundwater pollution from certain evaporation pits.

Author: Duncan

- Requires the Texas Commission on Environmental Quality to adopt rules requiring standards for the construction of evaporation pits that are operated for the commercial production of minerals, salts, or other substances that naturally occur in groundwater.

SB 1932 Relating to the assessment of charges by certain local governments to fund a stormwater permitting program under federal law.

Author: Uresti

- Grants a county, district, or authority already authorized to comply with the Federal Water Pollution Control Act the authority to assess charges to fund the implementation of required NPDES programs in Bexar and Harris Counties.