

Legislative Water Words

The Final Answer

Sine Die

The 81st Session of the Texas Legislature is over. The House and Senate shut down for the session without addressing several key issues including leaving the Texas Department of Transportation, Texas Department of Insurance and several smaller agencies in a lurch. A special session to at least take care of these issues is a given. Whatever else may be addressed is up to the Governor as he puts together the call.

The following bills are the bills from our track list that passed both the Senate and the House and a brief explanation of what they do. If there are other bills you want to know about don't hesitate to call. You can reach me at (956) 423-7015 or email me at waynehalbert@hidcc1.org if you have any questions or concerns.

Updated: 6/2/2009 12:42 PM

Bill Count: House 4834 Senate 2588



TIC TRACK FINAL ANSWER

06-02-2009 - 12:30:00

HB 348 Pena
 Carona Relating to the punishment for theft of certain aluminum, bronze or copper materials.

General Remarks: This legislation was designed to make stiffer penalties for the theft of certain materials specifically adding copper ground rods that have become a major problem across the country. Theft of these materials is not only a nuisance but creates a dangerous situation for the public. We were able to get "water gate stems" added also by testifying as to the danger posed when many of the IBWC floodgates were rendered inoperable because brass gate stems had been sawed off and stolen. This has also been a problem for many districts on their canal control gates and field turnouts.

Last Action: 5-26-09 G Sent to the Governor

HB 401 Raymond
 Duncan Relating to the authority of a political subdivision other than a county to change the date of its general election.

General Remarks: A session or so ago, political subdivisions had a "once in for all"

chance to set their general election dates to either November or May. This bill allows for a second chance to "once and for all" change your election dates. Deadline moved from 2005 to December 31, 2010.

Last Action: 5-13-09 G Earliest effective date

HB 783

Pickett
Shapleigh

Relating to the liability of a public utility that allows recreational use of land that the public utility owns, occupies, or leases.

General Remarks: This legislation set limits of liability for certain public entities who allow the use of their facilities for recreational purposes. Your attorney will have to tell you how or if this helps you. Glenn has indicated that irrigation districts were already covered.

Last Action: 5-27-09 G Sent to the Governor

HB 865

Swinford
Hegar

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

Companions: SB 691 Hegar (Identical)
4-20-09 S Committee action pending Senate Agriculture and Rural Affairs

General Remarks: Sets up the Texas Invasive Species Coordinating Committee to facilitate, coordinate, share information, advise between state agencies and also with local areas as to invasive species issues and to report findings on a regular basis to the Governor, Lt. Governor, Speaker of the House, etc. Membership consists of:

- The Texas Department of Agriculture
- The Texas Parks and Wildlife Department
- The Texas State Soil and Water Conservation Board
- The Texas AgriLife Extension Service
- The Texas Forest Service
- The Texas Water Development Board
- Any other agency that requests membership and agreed upon by the others

Last Action: 9- 1-09 G Earliest effective date

HB 1433

Lucio III
Averitt

Relating to the amount of the annual water quality fee imposed on holders of wastewater discharge permits and on users of water.

General Remarks: Amends Section 26.0291 of the Water Code to increase the allowable water quality fees for wastewater discharge permit holders from a current maximum of \$75,000 to \$100,000, with an annual adjustment by TCEQ equal to the percentage change during the preceding year in the Consumer Price Index for all Urban Consumers with an over all cap of \$150,000.

Last Action: 9- 1-09 G Earliest effective date

HB 2208

Gonzales
Hinojosa

Relating to the calculation of current market value of certain water rights by the Rio Grande Regional Water Authority.

General Remarks: This cleanup bill eliminates the water right sales between irrigation districts and the public water supplier that operates within any

		portion of their boundaries from the calculations of market value of water as set out in the Conversion Legislation last session. It allows the irrigation district and the public water supplier it serves to have special deals without the potential impact to the water market value.
		Last Action: 5-29-09 G Sent to the Governor
HB 2572	Gonzalez Tourelles Jackson, Mike	Relating to the right of a gas corporation to use a public right-of-way.
		Companions: SB 1749 Jackson, Mike (Identical) 3-26-09 S Committee action pending Senate Natural Resources
		General Remarks: This bill simply adds "under" to on, along or across a public road, highway, street, alley, stream, canal, or other public way. There are some provisions for the pipeline owner to restore the operations of the public facilities to original condition of usefulness.
		Last Action: 5-27-09 G Sent to the Governor
HB 4409	Taylor Jackson, Mike	Relating to emergency preparation and management.
		General Remarks: This bill deals with emergency management of retail public utilities. It has been amended to provide for emergency generators. As finally passed it only covers Harris County and surrounding counties to the City of Houston.
		Last Action: 6- 1-09 S Senate adopted conference report (Vote: Y: 31/N: 0)
HB 4706	King, Tracy Uresti	Relating to the compensation of a member of the board of directors of the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1.
		Companions: SB 2108 Uresti (Identical) 4-23-09 S Withdrawn from the Local Calendar
		General Remarks: Limits the directors compensation for Bexar-Medina-Atascosa District directors to \$150 per month.
		Last Action: 5-26-09 G Sent to the Governor
SB 361	Patrick, Dan Callegari	Relating to the requirement that water and sewer service providers ensure operations during an extended power outage.
		General Remarks: This bill deals with emergency management of retail public utilities. It has been amended to provide for emergency generators. As finally passed it only covers Harris County and surrounding counties to the City of Houston.
		Last Action: 5-30-09 S Senate concurred in House amendments (Vote: Y: 31/N: 0)
SB 1253	Seliger Smithee	Relating to the repeal of the power of certain districts and water supply corporations to allow the use of right-of-way easements for certain energy-related purposes.

Companions: [HB 3818](#) Smithee (Identical)
5- 5-09 H Laid on the table - subject to call - see SB 1253

General Remarks: This bill repeals Chapter 49.2205 of the Water Code, which allows a district to allow the utilization of district easements and right of ways for certain energy related purposes.

Last Action: 9- 1-09 G Earliest effective date

[SB 1402](#) [Hinojosa](#)
[Pena](#) Relating to requiring certain political subdivisions to enter a contract with the county elections administrator to perform election services.

General Remarks: This bill applies to Hidalgo County political subdivisions. Requires the governing body of a political subdivision to request an election services contract with the county elections administrator to perform all duties and functions of the political subdivision in relation to an election upon the request of a petition signed by registered voters equal to or exceeding 1% of all votes cast in the most recent general election held by the political subdivision. For irrigation districts this could be 1 or 2 people. We had this bill amended to exempt irrigation districts.

Last Action: 6- 1-09 G Sent to the Governor

[SB 2569](#) [Lucio](#)
[Rios Ybarra](#) Relating to the governing body of the Willacy County Navigation District.

Companions: [HB 4835](#) Rios Ybarra (Identical)
5- 5-09 H Introduced and referred to committee on House Transportation

General Remarks: Changes the way the board of the Willacy County Navigation District is selected. Provides for a five member board, four single member districts and one at large member. The at-large member serves as the presiding officer. The terms will be four year, staggered terms.

Last Action: 6- 1-09 G Sent to the Governor

	All	Track
Total Bills:	13	0

- End of Report -