

## Bills We Love

✓ [SB 409 \(Estes\)](#)/[SB 449 \(Watson, Estes\)](#) / [SJR 16 \(Estes\)](#) / [HB 1733 \(Ritter\)](#) / [HJR 107 \(Ritter\)](#) – **Watershed Stewardship**

These bills create a property tax incentive for watershed stewardship activities by private property owners. The structure of the incentive is similar to current agriculture and wildlife management tax incentives. Property must first qualify for the existing open space property tax valuation in order to be eligible. The legislation includes seven potential activities for watershed stewardship; landowners must engage in a minimum of three to qualify. SJR 16 and HJR 107 are the companion constitutional amendments.

**Status: SB 409 referred to Finance (2/2/11); SB 449 left pending in Finance (3/21/11); SJR 16 left pending in Finance (3/21/11); HB 1733 referred to Ways and Means (3/3/11); HJR 107 referred to Ways and Means (3/3/11)**

✓ [SB 18 \(Estes, et al.\)](#) / [HB 279 \(Geren\)](#) – **Eminent Domain Reform**

This bill attempts to make the “taking” of private land by a public entity through eminent domain a fairer process for the property owner. The bill restricts eminent domain to “taking” for public use only, stipulates additional requirements for initiating a taking, and requires the acquiring entity to make an offer at least equal to the value of the land established by a certified appraiser. This bill is moving quickly through the legislative process and is very likely to pass.

**Status: SB 18 passed by House Land and Resource Management (3/22/11); HB 279 referred to Land and Resource Management (2/15/11)**

✓ [SB 106 \(Davis\)](#) – **Eminent Domain (Pipeline)**

Outlines a formal negotiation process between the pipeline operator and the municipality in which the pipeline is to be located. This addresses an issue some thought was overlooked by SB 18.

**Status: Referred to Natural Resources (1/31/11)**

✓ [SB 424 \(Ellis\)](#)/[HB 977 \(Burnam\)](#) – **Climate Change Plans**

Requires 12 state entities to draft “climate adaptation plans,” which will identify risks and prepare strategies for managing climate change-related impacts. The bill stipulates specific requirements for plan development, including mitigation planning and fiscal analysis. The entities must base climate adaptation plans on science from the United States Global Change Research Program and the Texas state climatologist.

**Status: SB 424 referred to Natural Resources (2/2/11); HB 977 referred to State Affairs (2/28/11)**

✓ [SB 429 \(Nichols\)](#) / [HB 444 \(Creighton\)](#) – **Waste Disposal**

Requires TCEQ to notify a groundwater conservation district when an application is made to dispose of municipal or industrial waste within the GCD, allowing the GCD to better monitor potential sources of groundwater contamination.

**Status: SB 429 referred to Senate Natural Resources (2/2/11); HB 444 committee report sent to Calendars (3/28/11)**

✓ **[SB 430 \(Nichols\)](#) – Groundwater Contamination**

Requires the TCEQ executive director to notify a groundwater conservation district if groundwater contamination occurs within the district's boundaries, giving the GCD critical information for managing water quality.

**Status: Referred to Natural Resources (2/2/11)**

✓ **[SB 1044 \(Watson, et al.\)](#) – Conservation Easements**

Provides counties with additional options for financing conservation easements and removes the current requirement that an agricultural conservation easement holder contribute a 50-percent match to receive a grant from the Texas Farm and Ranch Land Conservation Fund.

**Status: Scheduled for a hearing in Agriculture and Rural Affairs (3/28/11)**

✓ **[SB 1049 \(Davis\)](#) – Hydraulic Fracturing**

Requires operators of wells involved in hydraulic fracturing activities to disclose information, including the type and volume of fluid used and the type of additives used in the fracturing fluid and their concentrations. Operators would be required to provide documentation as necessary. The bill provides a mechanism for operators using formulations protected by federal trade secret law to make alternative disclosures.

**Status: Filed (3/1/11)**

✓ **[SB 181 \(Shapiro\)](#) / [HB 1319 \(Laubenberg\)](#) – Water Use Measurement**

Establishes a uniform method for calculated gallons per capita per day (GPCD), a way to measure the effectiveness of water conservation efforts. The State Water Plan directs that by 2060 thirty percent of new water should come from conservation. Texas needs State metrics that tell the whole story of water use, including sector breakdowns of GPCD amount that would reveal trends in water use to aid municipalities in achieving maximum conservation.

**Status: SB 181 received by the House (3/23/11); HB 1319 passed by House Natural Resources (3/22/11)**

✓ **[SB 1606 \(Seliger\)](#) – Groundwater Use Data**

Requires all well users, including exempt users, to report data on groundwater pumping to the relevant groundwater conservation district (GCD). This is an important improvement to current mechanisms for measuring and predicting groundwater use.

**Status: Filed (3/11/11)**

✓ **[HB 659 \(Villarreal\)](#) / [SB 459 \(Seliger\)](#) – Water and Energy Efficiency**

Provides an additional tool for municipalities to support water and energy efficiency improvements on private property through the issuance of bonds that are repaid by the property owner through a property tax levy.

**Status: HB 659 referred to Energy Resources (2/21/11); SB 459 filed (1/31/11)**

✓ **[HB 965 \(Callegari, et al.\)](#) – TCEQ Licensing**

Allows TCEQ to implement online continuing education requirements and standardizes continuing education certification upon license renewal.

**Status: Passed by Government Efficiency and Reform (3/24/11)**

✓ **[HB 1499 \(Larson\)](#) – Historic Corridor Designation**

Designates part of the Old Spanish Trail highway in Bexar County as a historic corridor. The corridor will be known as the Scenic Loop Road-Boerne Stage Road-Toutant Beauregard Road Historic Corridor.

**Status: Referred to Transportation (3/2/11)**

✓ **[HB 610 \(Zerwas, et al.\)](#) / [SB 935 \(Seliger\)](#) – TCEQ Notice Requirements**

Stipulates that TCEQ shall send notices to Senate and House members via e-mail unless requested otherwise, and via mail to municipal, county, and river authorities.

**Status: HB 610 committee report sent to Calendars (3/28/11); SB 935 referred to Select Committee on Open Government (3/8/11)**

✓ **[HB 1279 \(Miller, Doug\)](#) / [SB 1625 \(Hegar\)](#) – Edwards Aquifer Authority**

This legislation makes several changes to the governance of the Edwards Aquifer Authority. The bill lays out a contested case hearing procedure specifically for the EAA (under current law, the EAA is held to Texas Water Code, Ch. 36.412 and 36.413 in regard to contested case hearings). The new procedure specifies that contested case hearings are restricted to those with a “personal justiciable interest,” which specifically does not include someone acting in the general public interest. The legislation also provides for any person who is dissatisfied with any order or rule approved by the EAA to file a lawsuit once the administrative remedies provided by law have been exhausted. We would like to see removed that the burden of proof is placed on the petitioner and the EAA is authorized to recover attorneys’ fees from an unsuccessful suit.

**Status: HB 1279 referred to House Natural Resources (3/1/11); SB 1625 scheduled for a hearing in Senate Natural Resources (3/29/11)**

✓ **[HB 2760 \(Garza\)](#) / [SB 1595 \(Wentworth\)](#) – Edwards Aquifer Recovery Funding**

Upon voter approval, allows the Edwards Aquifer Authority, the Guadalupe-Blanco River Authority, and the San Antonio River Authority to institute a sales tax to support the Edwards Aquifer Recovery Implementation Program, an ongoing project to provide for endangered species protection in the Edwards Aquifer region. The program has no existing funding mechanism. The legislation also provides funding assistance for a work plan developed through the SB 3 environmental flows process. The maximum tax rate allowed under the legislation is one-quarter of one percent.

**Status: HB 2760 referred to House Natural Resources (3/16/11); SB 1595 referred to Senate Natural Resources (3/23/11)**

✓ **[HB 3260 \(Strama\)](#) – Energy and Water Efficiency Funding**

Allows public utilities to enter into loan agreements with individual consumers to fund energy efficiency and water conservation improvements. Loans can be made to residential or commercial customers, and the loan then remains attached to the property over its lifetime. The legislation limits total loan value, repayment amounts, and interest rates.

**Status: Filed (3/11/11)**

✓ **[HB 3328 \(Keffer\)](#) – Hydraulic Fracturing**

Requires disclosure of hydraulic fracturing fluid components. Creates a procedure for establishing which components are trade secrets. All components, including trade secrets, must be disclosed to a health care professional if necessary. Requires, upon completion of a new well, a report to be filed by the operator with the Railroad Commission, including the maximum pressure of the well and all hydraulic fracturing fluid components. The bill stipulates that information about fluid components is considered public and provides for it to be posted online.

**Status: Filed (3/11/11)**

✓ **[HB 3391 \(Miller, Doug\)](#) – Rainwater Harvesting**

Requires rainwater harvesting systems on certain new state buildings for potable and non-potable indoor and outdoor use. The bill also encourages cities, counties, and school districts to promote rainwater harvesting through incentives. Requires the TWDB to provide rainwater harvesting training for local government permitting staffs.

**Status: Filed (3/11/11)**

✓ **[HB 1281 \(Workman\)](#) / [SB 292 \(Watson\)](#) – BSEACD Boundaries**

This bill addresses the expansion of the City of Austin within BSEACD’s boundaries and enables the district to retain equitable representation across its jurisdiction.

**Status: HB 1281 committee report sent to Local and Consent Calendars (3/28/11); SB 292 received by the House (3/17/11)**

✓ **[HB 3592 \(Howard, Donna\)](#) – LCRA Sunset Review**

Establishes that the Lower Colorado River Authority is subject to review under the Texas Sunset Act. The bill also stipulates that the LCRA Board of Directors include appointees placed by the county commissioners in LCRA’s service area in addition to appointees serving at the discretion of the governor, giving local leadership a voice in selecting board members. The bill also requires water pressure standards for LCRA’s water systems.

**Status: Referred to Natural Resources (3/23/11)**

## **Bills We Love - County Authority**

✓ **[HB 2317 \(Miller, Doug\)](#) – Hill Country County Authority**

Upon voter approval, allows Bandera, Comal, Gillespie, and Kendall counties to exercise limited county authority over land use and development. This bill allows the counties to assess a “roadway infrastructure cost recovery fee” on developers to offset the cost of building roads to service new development, regulate development density in relation to water supply, and require setbacks for incompatible land use. It does not grant zoning authority. This bill has some similarities to HB 3265 (Rose), filed in the 81<sup>st</sup> session, but is narrower in scope and applies to fewer counties.

**Status: Referred to County Affairs (3/10/11)**

✓ **[HB 317 \(Cook\)](#) – Incompatible Land Use**

Allows certain counties to adopt buffer zone regulations for incompatible land use following a local option election. This bill is not bracketed based on county size or location. Unlike incompatible land use legislation from the 81<sup>st</sup> session, this bill stipulates specific

buffer sizes for particular land uses and addresses commercial activity in addition to industrial activity.

**Status: Referred to Land and Resource Management (3/10/11)**

✓ **[HB 662 \(Rodriguez\)](#) – Incompatible Land Use**

This is a bracketed bill that allows Travis County to adopt buffer zone regulations for incompatible land use (not including agriculture or oil and gas infrastructure). The commissioners' court must pass a buffer zone regulation in coordination with a comprehensive plan. The bill includes a grievance procedure for those who oppose a specific buffer.

**Status: Left pending in Land and Resource Management (3/22/11)**

✓ **[HB 3492 \(Coleman\)](#) – Incompatible Land Use and Roadway Fees**

Allows counties to establish buffer zones for incompatible land use once they have established a comprehensive plan for growth. Counties may offer incentives to developers to comply with the comprehensive plan. The bill provides a grievance procedure to those seeking exceptions to the established buffer zones. The legislation also allows counties to establish a roadway recovery fee system, which will allow counties to offset the cost of transportation infrastructure required to support the development.

**Status: Filed (3/11/11)**

✓ **[HJR 134 \(Oliveira\)](#) – County Authority**

A constitutional amendment allowing any county to hold a local option election for limited county authority based on land use compatibility, public safety and fire hazards, land density, and use or conservation of water. This amendment is broader in scope than some other county authority bills coming out of the House this session, allowing all counties the option of pursuing limited authority. As a constitutional amendment, the electorate must vote in favor of this legislation in November if it passes the Legislature.

**Status: Referred to Land and Resource Management (3/23/11)**

✓ **[SB 136 \(Wentworth\)](#) – County Authority**

Makes minor changes to the statute governing county regulation of subdivision platting (Local Government Code, Ch. 232), including the expansion of developer bond execution to include water supply and wastewater infrastructure and the expansion of water storage required for fire suppression in subdivisions without fire hydrants. Expands the allowable time frame for an inspection of the plat from two days to six days.

**Status: Referred to Intergovernmental Relations (1/31/11)**

✓ **[SB 137 \(Wentworth\)](#) – Incompatible Land Use**

Allows counties, following a local option election, to adopt buffer zone regulations for incompatible land use and determine the cost of necessary roadway improvements for development. This could be considered a type of "impact fee," designed to allow counties to recoup the costs of some infrastructure improvements. The bill specifically notes that it does not provide for zoning power.

**Status: Referred to Intergovernmental Relations (1/31/11)**

## **Bad Bills**

### **✗ [HB 3037 \(Chisum\)](#) – Contested Case Hearings**

This bill would dramatically alter TCEQ’s current contested case hearing process for both air emissions and wastewater discharge permits. The bill would transfer the burden of proof from the permit applicant to the contested case hearing petitioner, which would serve as a significant barrier to the pursuit of an alternate ruling. It would also implement stricter requirements for “affected persons” in air permit cases, limiting the options for watchdog groups and members of the public to request reconsideration of agency decisions. The legislation would also limit new scientific evidence from being presented after a certain point in the process and instruct the TCEQ executive director to defend his decision on the issuance of the permit during the hearing in addition to providing factual information.

**Status: Referred to Environmental Regulation (3/17/11)**

### **✗ [SB 1201 \(Patrick\)](#) – Regulatory Takings**

Expands the current state law on regulatory takings by removing existing exemptions for municipal governments, actions required to fulfill federal government mandates, and actions taken to protect the public health or safety from a substantial threat. This bill would also have negative effects on water quality by making it more difficult to limit impervious cover, and would remove an exemption for actions taken to prevent waste and protect property owners’ interest in groundwater. The bill also limits the ability of a governmental entity to recover attorneys’ fees from an unsuccessful suit.

**Status: Referred to State Affairs (3/16/11)**

### **✗ [HB 125 \(Legler\)](#) – TCEQ Rule Impact Analysis**

Requires TCEQ to draft an impact analysis when any new rule is proposed. Current law requires these impact analyses be drafted only for rules that exceed state or federal standards or rules that are drafted under general agency authority (not in response to a specific statute). The analysis required is quite lengthy and could become logistically prohibitive for the agency if it were required for all rules, especially in the face of budget cuts and staffing reductions (steps [here](#)).

**Status: Passed by Environmental Regulation (3/24/11)**

### **✗ [HB 1388 \(Hopson\)](#) / [SB 732 \(Nichols\)](#) – Tree Destruction**

This legislation prohibits cities from regulating clearing of vegetation in the municipal extraterritorial jurisdiction (ETJ), an area outside of the official city limits where the city can exercise some legal authority. This could prevent cities from preserving existing trees in the ETJ.

**Status: HB 1388 left pending in Urban Affairs (3/9/11); SB 732 left pending in Intergovernmental Relations (3/23/11)**



**✗ [HB 192 \(Walle\)](#) – Water Rates**

Limits water and sewer rate increases to 20 percent, with a limit of one application in a 36-month period. While this would keep costs down for ratepayers, it could be fiscally impossible for utilities that must pay for infrastructure repairs or improvements.

**Status: Left pending in Natural Resources (3/22/11)**

Also see: HB 206 (re: notice to ratepayers)

**✗ [HB 814 \(Gutierrez\)](#) – Uvalde Pipeline Authorization**

This bill is a legislative fix for the Uvalde pipeline project, which is required to make the project legal under state law. SAWS would also have to agree to purchase the water from the pipeline. The project would cost about \$250 million and would draw more than 40,000 acre-feet of water annually from Uvalde County. GEAA’s member groups oppose this project and therefore oppose this legislation.

**Status: Referred to Natural Resources (2/23/11)**

**✗ [HB 1180 \(Flynn\)](#) – Regional Water Planning Groups**

Requires the county commissioners of each county included in a regional water planning area to appoint a representative to the representative planning group.

**Status: Referred to Natural Resources (3/1/11)**

**✗ [HB 1664 \(King, Susan\)](#) – Surface Water Use**

This legislation would prevent river authorities from requiring lakeside property owners to meter water drawn from the lake to irrigate landscaping. HB 1664 only applies to a lake that does not supply drinking water. However, surface water is a public resource in Texas. If private property owners are using a public resource, it is within the managing authority’s right to meter that water use.

**Status: Referred to House Natural Resources (3/3/11)**

**✗ [HB 1729 \(Keffer\)](#) – Sale of Public Land**

Allows a governmental entity to sell property with no notice or solicitation of bids to someone who is currently leasing the land. The land is then not subject to any platting requirement, which means that neither the city nor the county would have any ability to regulate the division or development of the land.

**Status: Filed (2/23/11)**

**✗ [HB 1995 \(Weber\)](#) – Environmental Crimes**

This bill changes the distribution of fines resulting from the prosecution of environmental crimes. Under current law, fines are evenly split between the state and any local governments involved in prosecuting the crime. This legislation would distribute 90 percent of the fine to the state, with the remaining 10 percent going to local governments. The bill also removes Travis County as an optional venue for prosecution of environmental crimes unless the crime occurs in Travis County or the defendant resides in Travis County.

**Status: Referred to Environmental Regulation (3/7/11)**

**✗ [HB 2732 \(Oliveira\)](#) – Local Permitting**

Establishes a definition of “fair notice” in regard to local government permit applications as the minimum amount of information necessary to understand the general nature of the project in question.

**Status: Left pending in Land and Resource Management (3/28/11)**

**✗ [HB 3105 \(Keffer\)](#) – Municipal Regulation of Mining**

This legislation requires municipalities to compensate property owners for takings if the municipality prevents the development of mineral interests (including rock quarries and mining) or “damages, destroys, [or] impairs” that interest under Sec. 2007, Government Code. Currently, municipal actions fall under this section only if the action affects some parts of the municipality’s extraterritorial jurisdiction but not others.

**Status: Referred to Energy Resources (3/18/11)**

**✗ [HB 3480 \(Christian\)](#) – TCEQ Rulemaking**

Prohibits TCEQ from establishing any rule or standard stricter than federal law requires.

**Status: Referred to Environmental Regulation (3/18/11)**

**✗ [HB 3534 \(Kleinschmidt\)](#) – Local Permitting**

Retains a political subdivision’s immunity from a lawsuit arising under conflicts in regard to local permitting, but establishes that the subdivision is responsible for any damages that may result from a violation of the local government permitting statute.

**Status: Left pending in Land and Resource Management (3/28/11)**

**✗ [HB 3535 \(Kleinschmidt\)](#) – Local Permitting**

Establishes that a political subdivision that violates local government permitting statute is liable for a civil fine of \$2,000 per violation per day. Allows the state to sue the subdivision to recover the fine.

**Status: Left pending in Land and Resource Management (3/28/11)**

**✗ [HCR 66 \(Hancock\)](#) – EPA Regulations**

This resolution urges Congress to prevent the EPA from regulating greenhouse gas emissions.

**Status: Left pending in Environmental Regulation (3/9/11)**

**Bills to Watch**

**? [HB 187 \(Perry\)](#) – Zero-Based Budgeting**

Requires all agencies to perform a zero-based budgeting exercise and report results to the Legislative Budget Board.

**Status: Referred to Appropriations (2/11/11)**



? **[HB 1487 \(Gutierrez\)](#) – Bexar County Water Supply**

Requires TCEQ to conduct a study to determine the cost to Bexar County ratepayers of obtaining an additional 40,000 acre-feet of water supply through desalination, a pipeline from east, or a pipeline from the west (which would include Uvalde County, the source of the proposed Uvalde pipeline project that would be authorized by Gutierrez’s HB 814). The bill does not stipulate that any specific sources of water from either the east or the west be used to perform the study.

**Status: Referred to Natural Resources (3/2/11)**

? **[HB 1547 \(Larson\)](#) – Desired Future Conditions for Groundwater**

This bill defines “desired future conditions” (DFCs) as a quantitative description of the desired future condition of groundwater resources at a specific time in the future. It then provides nine different specific elements that GCDs must consider when determining DFCs, including water supply needs, environmental and economic impacts, impacts on private property rights, and hydrogeologic conditions. Districts must then provide a written explanation of their determination referencing the bill’s requirements.

**Status: Passed by Natural Resources (3/24/11)**

? **[HB 1731 \(Ritter\)](#) / [SB 667 \(Duncan\)](#) – Groundwater Regulation**

This bill lays out a policy statement acknowledging both the private ownership right in groundwater and the state’s interest in managing and conserving groundwater. The bill stipulates that restrictions on groundwater permits must be warranted under the district’s management plan, consistent with the desired future conditions approved by the district, and not designed to prevent landowners from accessing a reasonable amount of water for personal use.

**Status: HB 1731 referred to House Natural Resources (3/3/11); SB 667 left pending in Senate Natural Resources (3/1/11)**

? **[HB 2166 \(Price\)](#) – Desired Future Conditions Process**

Under current law, the Texas Water Development Board governs the desired future conditions (DFC) appeals process. This legislation would transfer jurisdiction to a district court. If the GCD is ordered by the court to revise its DFCs, it must then have at least one public hearing, and submit its revisions to the TWDB.

**Status: Referred to Natural Resources (3/8/11)**

? **[HB 2358 \(Landtroop\)](#) – Surface Water Interbasin Transfer**

Under current law, interbasin transfer (the transfer of surface water from one river basin to another) is subject to the junior rights rule, which makes the transferred water right subordinate to every other right in the basin. In a drought, that water would be the first to be cut off, making interbasin transfers unattractive to water managers. This legislation repeals the junior rights rule for future transfers.

**Status: Referred to Natural Resources (3/10/11)**

? **[HB 3530 \(Ritter\)](#) – Water Planning**

Makes several changes to TWDB and regional water planning operations. The bill establishes an alternative dispute resolution procedure designed to encourage negotiation

in the rulemaking process and resolve disputes under the board's jurisdiction. It also requires updates to the state water plan to include a progress report; requires uniform water use calculations for regional water plans; and requires each groundwater conservation district (GCD) in a regional water planning area to assign a representative to the planning group. The bill also alters the desired future conditions (DFC) process by: further defining the term "desired future condition"; requires notice to TWDB DFC meetings and hearings; removes existing sections describing the TWDB's authority to declare DFCs "unreasonable" and requiring GCDs to review DFCs.

**Status: Referred to Natural Resources (3/22/11)**

? [HB 3602 \(Garza\)](#) – Direct Discharge

Requires any water treatment facility that is part of a pollution abatement plan in the Edwards Aquifer region to remove at least 85 percent of total suspended solids from stormwater runoff prior to its discharge into the aquifer. Suspended solids are small particles of materials (including silt, debris, and sewage) that can be removed from water using a filter.

**Status: Referred to Natural Resources (3/23/11)**

? [HCR 78 \(Price\)](#) – Opposition to Federal Regulation

A resolution opposing a proposed change to the federal Clean Water Act, which would replace the phrase "navigable waters of the United States" with the phrase "waters of the United States." The proposed change is a result of Supreme Court decisions in *Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers* (2001) and *Rapanos v. United States* (2006).

**Status: Referred to Select Committee on State Sovereignty (3/14/11)**

? [SB 332 \(Fraser\)](#) / [HB 1730 \(Ritter\)](#) – Groundwater Ownership

Explicitly states that landowners have a vested property right to groundwater, which could have significant effects on groundwater management throughout the state. The issue hinges upon whether the groundwater ownership right vests "in place" (when the water is still underground) or upon capture above ground. Traditionally courts have interpreted current law as vesting upon capture. The intent of this bill appears to be pushing for vesting in place.

**Status: SB 332 placed on Senate Intent Calendar (3/29/11); HB 1730 referred to House Natural Resources (3/3/11)**

? [HB 2398 \(Miller, Sid\)](#) – Groundwater Ownership

This bill addresses the same issue as SB 332. However, HB 2398 goes beyond the use of the word "vest" to state that the ownership of groundwater in place is recognized by the state. It also limits groundwater regulation to rules consistent with either 1) the sections of the Texas Constitution dealing with equal rights (Article I, Sec. 3), eminent domain (Article I, Sec. 17), or deprivation of liberty (Article I, Sec. 19) or 2) the 14<sup>th</sup> or 15<sup>th</sup> Amendments to the U.S. Constitution.

**Status: Referred to Natural Resources (3/10/11)**

? [SB 467 \(Wentworth\)](#) / [SB 1148 \(Wentworth\)](#) – **Edwards Aquifer Injection**

SB 467 alters an existing ban on injection wells traversing the Edwards Aquifer. Under this legislation, Class I (municipal and industrial disposal) and Class III (mineral mining) wells would remain prohibited. However, TCEQ would be allowed to authorize Class II (oil and gas enhancement), Class V (general injection, including aquifer storage and recovery wells), and Class VI (carbon sequestration) wells in the Edwards Aquifer region. The bill also removes a provision that generally allows TCEQ to authorize the injection of water into the Edwards through karst formations. This legislation appears to be designed to promote aquifer storage and recovery supply strategies in the Edwards. Senator Wentworth has also filed SB 1148, which specifically allows for the injection of desalination byproducts into the saline portion of the Edwards and the injection of fresh water to facilitate aquifer storage and recovery projects.

**Status: SB 467 referred to Natural Resources (2/14/11); SB 1148 referred to Natural Resources (3/16/11)**

? [HB 3273](#) / [HJR 137](#) / [HJR 138 \(Ritter\)](#) – **Water Project Implementation**

These two proposed constitutional amendments (which require voter approval) and the accompanying “enabling” bill would authorize \$6 billion in bonds for water and wastewater projects and establish a new state water plan implementation fund. At least 20 percent of the money from the new fund would have to be spent on water conservation or reuse projects. GEAA recommends that the new fund also be used for protection of stream flows and freshwater inflows to bays and estuaries. The \$6 billion bond authorization would be perpetual — as loans for projects are paid off, new bonds could be issued, so long as the \$6 billion cap is not exceeded. GEAA urges limiting that authorization to 10 years or less, to hold state water finance officials accountable to the public.

**Status: HB 3272 referred to Natural Resources (3/18/11); HJR 137 referred to Natural Resources (3/23/11); HJR 138 referred to Natural Resources (3/18/11)**

? [SB 737 \(Hegar\)](#) / [HB 1824 \(Price\)](#) – **Groundwater Regulation**

Replaces the term “managed available groundwater” with “modeled available groundwater.” The legislation also accounts for the role of both permitted and exempt groundwater production in achieving desired future conditions. Finally, the bill stipulates elements that GCDs must consider in issuing permits, including modeled available groundwater, exempt water use, previously issued permits, actual pumping activity, and precipitation patterns.

**Status: SB 737 placed on Senate Intent Calendar (3/29/11); HB 1824 passed by House Natural Resources (3/22/11)**

? [SB 853 \(Watson\)](#) – **Direct Discharge**

Prohibits direct discharge of wastewater into the recharge and contributing zones of the Barton Springs segment of the Edwards Aquifer, with an exemption for discharge from a water treatment facility that is treated to drinking water standards and will not contribute to toxic effects on human or ecosystem health or alter the nutrient content of the receiving water. This exemption is a change from previous direct discharge legislation filed by Sen. Watson and Rep. Bolton during the 81<sup>st</sup> session.

**Status: Referred to Natural Resources (3/1/11)**

? **[SB 1073 \(Jackson\)](#) / [HB 3372 \(King, Tracy\)](#) - Rainwater Harvesting**

Ensures that all rainwater harvesting systems have adequate cross-connection safeguards, which are only required under current law for indoor-use systems.

**Status: SB 1073 referred to Natural Resources (3/16/11); HB 3372 scheduled for a hearing in House Natural Resources (3/29/11)**

? **[SB 1715 \(Duncan\)](#) - Water Treatment Byproducts Notification**

Requires TCEQ to provide expedited processing for permits to manage and dispose of the waste products that result from treating groundwater for drinking water purposes, including the injection of waste into bedded salt formations.

**Status: Referred to Natural Resources (3/23/11)**

? **[SB 756 \(Seliger\)](#) - Water Transport**

Prohibits anyone from transporting either surface water or groundwater more than 75 miles from the original source.

**Status: Referred to Natural Resources (2/23/11)**