

By: Hegar, et al.

S.B. No. 1341

Substitute the following for S.B. No. 1341:

By: Puente

C.S.S.B. No. 1341

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the management of groundwater in the area regulated by
3 the Edwards Aquifer Authority and to the operations and oversight
4 of the Edwards Aquifer Authority.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subsection (f), Section 1.11, Chapter 626, Acts
7 of the 73rd Legislature, Regular Session, 1993, is amended to read
8 as follows:

9 (f) The authority may own, finance, design, [~~contract with a~~
10 ~~person who uses water from the aquifer for the authority or that~~
11 ~~person to~~] construct, operate, or [~~own, finance, and~~] maintain
12 recharge [water supply] facilities except in the Uvalde Pool, where
13 the authority may only contract with an entity based in Uvalde
14 County for the authority or that entity to own, finance, design,
15 construct, operate, or maintain recharge facilities. [~~Management~~
16 ~~fees or special fees may not be used for purchasing or operating~~
17 ~~these facilities.~~] For the purpose of this subsection, "recharge
18 [water supply] facility" means [~~includes~~] a dam, reservoir,
19 [~~treatment facility, transmission facility,~~] or other method of
20 recharge project and associated facilities, structures, or works.

21 SECTION 2. Subsections (c), (e), (f), and (h), Section
22 1.14, Chapter 626, Acts of the 73rd Legislature, Regular Session,
23 1993, are amended to read as follows:

24 (c) Except as provided by Subsections [~~(d),~~] (f)[~~]~~ and (h)

1 of this section and Section 1.26 of this article, for the period
2 beginning January 1, 2008, the amount of permitted withdrawals from
3 the aquifer [~~may not exceed 400,000 acre-feet of water~~] for each
4 calendar year shall be as close as possible to 572,000 acre-feet of
5 water based on:

6 (1) all initial regular permits issued on or before
7 January 1, 2005, at the provisional groundwater withdrawal amount
8 set out in paragraph 3.0 of those permits; and

9 (2) all filed applications for which permit issuance
10 was pending action by the authority as of January 1, 2005, at the
11 groundwater withdrawal amount:

12 (A) set out in paragraph 3.0 of those permits,
13 irrespective of when issued; and

14 (B) calculated in the manner identical to those
15 permits provisionally issued on or before January 1, 2005.

16 (e) The authority may not allow withdrawals from the aquifer
17 through wells drilled after June 1, 1993, except for replacement,
18 test, or exempt wells or to the extent that the authority approves
19 an amendment to an initial regular permit to authorize a change in
20 the point of withdrawal under that permit [~~additional water as~~
21 ~~provided by Subsection (d) and then on an interruptible basis].~~

22 (f) If the level of the aquifer is equal to or greater than
23 660 [~~650~~] feet above mean sea level as measured at Well J-17, the
24 authority may authorize withdrawal from the San Antonio pool, on an
25 uninteruptible basis, of permitted amounts. If the level of the
26 aquifer is equal to or greater than 845 feet at Well J-27, the
27 authority may authorize withdrawal from the Uvalde pool, on an

1 uninterrupted basis, of permitted amounts. [~~The authority shall~~
2 ~~limit the additional withdrawals to ensure that springflows are not~~
3 ~~affected during critical drought conditions.~~]

4 (h) To accomplish the purposes of this article, [~~by June 1,~~
5 ~~1994,~~] the authority, through a program, shall implement and
6 enforce water management practices, procedures, and methods to
7 ensure that, not later than December 31, 2012, the continuous
8 minimum springflows of the Comal Springs and the San Marcos Springs
9 are maintained to protect endangered and threatened species to the
10 extent required by federal law. The authority from time to time as
11 appropriate may revise the practices, procedures, and methods. To
12 meet this requirement, the authority shall require:

13 (1) phased adjustments to [~~reductions in~~] the amount
14 of water that may be used or withdrawn by existing users or
15 categories of other users, including adjustments in accordance with
16 the authority's critical period management plan established under
17 Section 1.26 of this article; or

18 (2) implementation of alternative management
19 practices, procedures, and methods.

20 SECTION 3. Subsection (g), Section 1.16, Chapter 626, Acts
21 of the 73rd Legislature, Regular Session, 1993, is amended to read
22 as follows:

23 (g) The authority shall issue an initial regular permit
24 without a term, and an initial regular permit remains in effect
25 until the permit is abandoned or [7] cancelled [~~or retired~~].

26 SECTION 4. Subsection (b), Section 1.19, Chapter 626, Acts
27 of the 73rd Legislature, Regular Session, 1993, is amended to read

1 as follows:

2 (b) Withdrawal of water under a term permit must be
3 consistent with the authority's critical period management plan
4 established under Section 1.26 of this article. A holder of a term
5 permit may not withdraw water from the San Antonio pool of the
6 aquifer unless:

7 (1) the level of the aquifer is higher than 675 [665]
8 feet above sea level, as measured at Well J-17;

9 (2) the flow at the Comal Springs as determined by
10 Section 1.26(c) of this article is greater than 350 cubic feet per
11 second; and

12 (3) the flow at the San Marcos Springs as determined by
13 Section 1.26(c) of this article is greater than 200 cubic feet per
14 second.

15 SECTION 5. Subsection (a), Section 1.22, Chapter 626, Acts
16 of the 73rd Legislature, Regular Session, 1993, is amended to read
17 as follows:

18 (a) The authority may acquire permitted rights to use water
19 from the aquifer for the purposes of:

20 (1) holding those rights in trust for sale or transfer
21 of the water or the rights to persons within the authority's
22 jurisdiction who may use water from the aquifer;

23 (2) holding those rights in trust as a means of
24 managing overall demand on the aquifer; or

25 (3) holding those rights for resale [~~or retirement as~~
26 ~~a means of complying with pumping reduction requirements under this~~
27 ~~article, or~~

1 ~~[(4) retiring those rights, including those rights~~
2 ~~already permitted].~~

3 SECTION 6. Article 1, Chapter 626, Acts of the 73rd
4 Legislature, Regular Session, 1993, is amended by amending Section
5 1.26 and adding Section 1.26A to read as follows:

6 Sec. 1.26. CRITICAL PERIOD MANAGEMENT PLAN. (a) After
7 review of the recommendations received in the program document, as
8 prescribed by Section 1.26A of this article, the [The] authority by
9 rule shall adopt [prepare and coordinate implementation of] a [plan
10 ~~for]~~ critical period management plan consistent with Sections
11 1.14(a), (f), and (h) of this article [on or before September 1,
12 ~~1995].~~ On adoption of the critical period management plan, the
13 authority shall provide a written report to the governor,
14 lieutenant governor, and speaker of the house of representatives
15 describing the actions taken in response to each recommendation
16 and, for each recommendation not implemented, the reason it was not
17 implemented. The plan [mechanisms] must:

18 (1) distinguish between discretionary use and
19 nondiscretionary use;

20 (2) require reductions of all discretionary use to the
21 maximum extent feasible;

22 (3) require utility pricing, to the maximum extent
23 feasible, to limit discretionary use by the customers of water
24 utilities; and

25 (4) require reduction of nondiscretionary use by
26 permitted or contractual users, to the extent further reductions
27 are necessary, in the reverse order of the following water use

1 preferences:

- 2 (A) municipal, domestic, and livestock;
- 3 (B) industrial and crop irrigation;
- 4 (C) residential landscape irrigation;
- 5 (D) recreational and pleasure; and
- 6 (E) other uses that are authorized by law.

7 (b) In this section, "MSL" means the elevation above mean
 8 sea level, measured in feet, of the surface of the water in a well,
 9 and "CFS" means cubic feet per second. Not later than January 1,
 10 2008, the authority shall, by rule, adopt and enforce a critical
 11 period management plan with withdrawal reduction percentages in the
 12 amounts indicated in Tables 1 and 2 whether according to the index
 13 well levels or the Comal or San Marcos Springs flow as applicable,
 14 for a total in critical period Stage IV of 40 percent of the
 15 permitted withdrawals under Table 1 and 35 percent under Table 2:

16 TABLE 1

17 CRITICAL PERIOD WITHDRAWAL REDUCTION STAGES

18 FOR THE SAN ANTONIO POOL

19 <u>Comal</u>	20 <u>San Marcos</u>	21 <u>Index Well</u>	22 <u>Critical</u>	23 <u>Withdrawal</u>
24 <u>Springs Flow</u>	25 <u>Springs Flow</u>	26 <u>J-17 Level</u>	27 <u>Period Stage</u>	28 <u>Reduction-</u>
29 <u>CFS</u>	30 <u>CFS</u>	31 <u>MSL</u>		32 <u>San Antonio</u>
				33 <u>Pool</u>
34 <u><225</u>	35 <u><96</u>	36 <u><660</u>	37 <u>I</u>	38 <u>20%</u>
39 <u><200</u>	40 <u><80</u>	41 <u><650</u>	42 <u>II</u>	43 <u>30%</u>
44 <u><150</u>	45 <u>N/A</u>	46 <u><640</u>	47 <u>III</u>	48 <u>35%</u>
49 <u><100</u>	50 <u>N/A</u>	51 <u><630</u>	52 <u>IV</u>	53 <u>40%</u>

TABLE 2
CRITICAL PERIOD WITHDRAWAL REDUCTION STAGES
FOR THE UVALDE POOL

<u>Withdrawal</u>	<u>Index Well J-27</u>	<u>Critical Period</u>
<u>Reduction-Uvalde</u>	<u>Level MSL</u>	<u>Stage</u>
<u>Pool</u>		
<u>N/A</u>	<u>---</u>	<u>I</u>
<u>5%</u>	<u><850</u>	<u>II</u>
<u>20%</u>	<u><845</u>	<u>III</u>
<u>35%</u>	<u><842</u>	<u>IV</u>

(c) A change to a critical period stage with higher withdrawal reduction percentages is triggered if the 10-day average of daily springflows at the Comal Springs or the San Marcos Springs or the 10-day average of daily aquifer levels at the J-17 Index Well drops below the lowest number of any of the trigger levels indicated in Table 1. A change to a critical period stage with lower withdrawal reduction percentages is triggered only when the 10-day average of daily springflows at the Comal Springs and the San Marcos Springs and the 10-day average of daily aquifer levels at the J-17 Index Well are all above the same stage trigger level. The authority may adjust the withdrawal percentages for Stage IV in Tables 1 and 2 if necessary in order to comply with Subsection (d) or (e) of this section.

(d) Beginning September 1, 2007, the authority may not require the volume of permitted withdrawals to be less than an annualized rate of 340,000 acre-feet, under critical period Stage IV.

1 (e) After January 1, 2013, the authority may not require the
2 volume of permitted withdrawals to be less than an annualized rate
3 of 320,000 acre-feet, under critical period Stage IV unless, after
4 review and consideration of the recommendations provided under
5 Section 1.26A of this article, the authority determines that a
6 different volume of withdrawals is consistent with Sections
7 1.14(a), (f), and (h) of this article in maintaining protection for
8 listed, threatened, and endangered species associated with the
9 aquifer to the extent required by federal law.

10 (f) Notwithstanding Subsections (d) and (e) of this
11 section, the authority may require further withdrawal reductions
12 before reviewing and considering the recommendations provided
13 under Section 1.26A of this article if the discharge of the Comal
14 Springs or the San Marcos Springs declines an additional 15 percent
15 after Stage IV withdrawal reductions are imposed under Subsection
16 (b) of this section. This subsection expires on the date that
17 critical period management plan rules adopted by the authority
18 based on the recommendations provided under Section 1.26A of this
19 article take effect.

20 (g) Notwithstanding the existence of any stage of an interim
21 or final critical period adopted by the authority under this
22 section, a person authorized to withdraw groundwater from the
23 aquifer for irrigation purposes shall, without regard to the
24 withdrawal reductions prescribed for that stage, be allowed to
25 finish one already planted crop in the calendar year during which
26 the critical period is in effect.

27 Sec. 1.26A. RECOVERY IMPLEMENTATION PROGRAM. (a) The

1 authority, with the assistance of Texas A&M University, shall
2 cooperatively develop a recovery implementation program through a
3 facilitated, consensus-based process that involves input from the
4 United States Fish and Wildlife Service, other appropriate federal
5 agencies, and all interested stakeholders, including those listed
6 under Subsection (e)(1) of this section. The recovery
7 implementation program shall be developed for the species that are:

8 (1) listed as threatened or endangered species under
9 federal law; and

10 (2) associated with the aquifer.

11 (b) The authority shall use its best efforts to enter into a
12 memorandum of agreement with the United States Fish and Wildlife
13 Service, other appropriate federal agencies, the Texas Commission
14 on Environmental Quality, the Parks and Wildlife Department, the
15 Department of Agriculture, the Texas Water Development Board, and
16 other stakeholders not later than December 31, 2007, in order to
17 develop a program document that may be in the form of a habitat
18 conservation plan used in issuance of an incidental take permit as
19 outlined in Subsection (d) of this section.

20 (c) The authority shall use its best efforts to enter into
21 an implementing agreement with the United States Fish and Wildlife
22 Service, other appropriate federal agencies, the Texas Commission
23 on Environmental Quality, the Parks and Wildlife Department, the
24 Department of Agriculture, the Texas Water Development Board, and
25 other stakeholders to develop a program document that may be in the
26 form of a habitat conservation plan used in issuance of an
27 incidental take permit as outlined in Subsection (d) of this

1 section not later than December 31, 2009.

2 (d) The authority, the Texas Commission on Environmental
3 Quality, the Parks and Wildlife Department, the Department of
4 Agriculture, the Texas Water Development Board, and other
5 stakeholders shall jointly prepare a program document that may be
6 in the form of a habitat conservation plan used in issuance of an
7 incidental take permit with the United States secretary of the
8 interior, through the United States Fish and Wildlife Service and
9 other appropriate federal agencies, under Section 4 or Section 6,
10 Endangered Species Act of 1973 (16 U.S.C. Section 1533 or 1535), as
11 applicable, based on the program developed under Subsection (a) of
12 this section. The program document shall:

13 (1) provide recommendations for withdrawal
14 adjustments based on a combination of spring discharge rates of the
15 San Marcos Springs and the Comal Springs and levels at the J-17 and
16 J-27 wells during critical periods to ensure that federally listed,
17 threatened, and endangered species associated with the Edwards
18 Aquifer will be protected at all times, including throughout a
19 repeat of the drought of record;

20 (2) include provisions to pursue cooperative and grant
21 funding to the extent available from all state, federal, and other
22 sources for eligible programs included in the cooperative agreement
23 under Subsection (c) of this section, including funding for a
24 program director; and

25 (3) be approved and executed by each agency not later
26 than September 1, 2012, and the agreement shall take effect
27 December 31, 2012.

1 (e) Texas A&M University shall assist in the creation of a
2 steering committee to oversee and assist in the development of the
3 cooperative agreement under Subsection (c) of this section. The
4 steering committee must be created not later than September 30,
5 2007. The initial steering committee shall be composed of:

6 (1) a representative of each of the following
7 entities, as appointed by the governing body of that entity:

8 (A) the authority;

9 (B) the commission;

10 (C) the Parks and Wildlife Department;

11 (D) the Department of Agriculture; and

12 (E) the Texas Water Development Board; and

13 (2) eight other persons as follows:

14 (A) five holders of initial regular permits
15 issued by the authority, to be appointed by the authority,
16 including:

17 (i) a representative of the municipal
18 permit holder authorized to withdraw the most acre-feet of
19 groundwater; and

20 (ii) a representative of a holder of an
21 initial regular permit issued for irrigation; and

22 (B) three holders of surface water rights in the
23 Guadalupe River Basin, to be appointed by the commission.

24 (f) The steering committee shall work with Texas A&M
25 University to:

26 (1) establish a regular meeting schedule and publish
27 that schedule to encourage public participation; and

1 (2) not later than October 31, 2007, hire a program
2 director to be housed at Texas A&M University.

3 (g) Texas A&M University may accept outside funding to pay
4 the salary and expenses of the program director hired under this
5 section and any expenses associated with the university's
6 participation in the creation of the steering committee or
7 subcommittees established by the steering committee.

8 (h) Where reasonably practicable or as required by law, any
9 meeting of the steering committee, the Edwards Aquifer area expert
10 science subcommittee, or another subcommittee established by the
11 steering committee must be open to the public.

12 (i) The steering committee appointed under this section
13 shall appoint an Edwards Aquifer area expert science subcommittee
14 not later than December 31, 2007. The expert science subcommittee
15 must be composed of an odd number of not fewer than seven or more
16 than 15 members who have technical expertise regarding the Edwards
17 Aquifer system, the threatened and endangered species that inhabit
18 that system, springflows, or the development of withdrawal
19 limitations. The Bureau of Economic Geology of The University of
20 Texas at Austin and the River Systems Institute at Texas State
21 University shall assist the expert science subcommittee. Chapter
22 2110, Government Code, does not apply to the size, composition, or
23 duration of the expert science subcommittee.

24 (j) The Edwards Aquifer area expert science subcommittee
25 shall, among other things, analyze species requirements. Based on
26 that analysis and the elements required to be considered by the
27 authority under Section 1.14 of this article, the expert science

1 subcommittee shall, through a collaborative process designed to
2 achieve consensus, develop recommendations for withdrawal
3 reduction levels and stages for critical period management
4 including, if appropriate, establishing separate and possibly
5 different withdrawal reduction levels and stages for critical
6 period management for different pools of the aquifer needed to
7 maintain target spring discharge and aquifer levels. The expert
8 science subcommittee shall submit its recommendations to the
9 steering committee and all other stakeholders involved in the
10 recovery implementation program under this section.

11 (k) The initial recommendations of the Edwards Aquifer area
12 expert science subcommittee must be completed and submitted to the
13 steering committee and other stakeholders not later than December
14 31, 2008, and should include an evaluation:

15 (1) of the option of designating a separate San Marcos
16 pool, of how such a designation would affect existing pools, and of
17 the need for an additional well to measure the San Marcos pool, if
18 designated;

19 (2) of the necessity to maintain minimum springflows,
20 including a specific review of the necessity to maintain a flow to
21 protect the federally threatened and endangered species at the
22 Comal Springs and the San Marcos Springs; and

23 (3) as to whether adjustments in the trigger levels
24 for the San Marcos Springs flow for the San Antonio pool should be
25 made.

26 (1) In developing its recommendations, the Edwards Aquifer
27 area expert science subcommittee shall:

1 (1) consider all reasonably available science,
2 including any Edwards Aquifer-specific studies, and base its
3 recommendations solely on the best science available; and

4 (2) operate on a consensus basis to the maximum extent
5 possible.

6 (m) After development of the program document, the steering
7 committee, with the assistance of the Edwards Aquifer area expert
8 science subcommittee and with input from the other recovery
9 implementation program stakeholders, shall prepare and submit
10 recommendations to the authority. The recommendations must:

11 (1) include a review of the critical period management
12 plan, to occur at least once every five years;

13 (2) include specific monitoring, studies, and
14 activities that take into account changed conditions and
15 information that more accurately reflects the importance of
16 critical period management; and

17 (3) establish a schedule for continuing the validation
18 or refinement of the critical period management plan adopted by the
19 authority and the strategies to achieve the program and cooperative
20 agreement described by this section.

21 (n) In this subsection, "recharge facility" means a dam,
22 reservoir, or other method of recharge project and associated
23 facilities, structures, or works. The steering committee shall
24 establish a recharge facility feasibility subcommittee to:

25 (1) assess the need for the authority or any other
26 entity to own, finance, design, construct, operate, or maintain
27 recharge facilities;

1 (2) make recommendations to the steering committee for
2 the authority or any other entity to own, finance, design,
3 construct, operate, or maintain recharge facilities;

4 (3) maximize available federal funding for the
5 authority or any other entity to own, finance, design, construct,
6 operate, or maintain recharge facilities; and

7 (4) make recommendations to the steering committee
8 regarding the financing of recharge facilities, including the use
9 of management fees or special fees to be used for purchasing or
10 operating the facilities.

11 (o) The steering committee may establish other
12 subcommittees as necessary, including a hydrology subcommittee, a
13 community outreach and education subcommittee, and a water supply
14 subcommittee.

15 (p) The steering committee shall dissolve as soon as
16 practicable after submitting its recommendations to the authority
17 under Subsection (m) of this section but not later than December 31,
18 2012.

19 (q) The authority shall provide an annual report to the
20 governor, lieutenant governor, and speaker of the house of
21 representatives not later than January 1 of each year that details:

22 (1) the status of the recovery implementation program
23 development process;

24 (2) the likelihood of completion of the recovery
25 implementation program and the cooperative agreement described by
26 Subsection (c) of this section;

27 (3) the extent to which the recommendations of the

1 Edwards Aquifer area expert science subcommittee are being
2 considered and implemented by the authority;

3 (4) any other actions that need to be taken in response
4 to each recommendation;

5 (5) reasons explaining why any recommendation
6 received has not been implemented; and

7 (6) any other issues the authority considers of value
8 for the efficient and effective completion of the program and the
9 cooperative agreement under this section.

10 SECTION 7. Subsections (b), (h), and (i), Section 1.29,
11 Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993,
12 are amended to read as follows:

13 (b) The authority shall assess equitable aquifer management
14 fees based on aquifer use under the water management plan to finance
15 its administrative expenses and programs authorized under this
16 article. Each water district governed by Chapter 36 [~~52~~], Water
17 Code, that is within the authority's boundaries may contract with
18 the authority to pay expenses of the authority through taxes in lieu
19 of user fees to be paid by water users in the district. The contract
20 must provide that the district will pay an amount equal to the
21 amount that the water users in the district would have paid through
22 user fees. The authority may not collect a total amount of fees and
23 taxes that is more than is reasonably necessary for the
24 administration of the authority.

25 (h) Fees assessed by the authority may not be used to fund
26 the cost of reducing withdrawals or retiring permits or of
27 judgments or claims related to withdrawals or permit retirements

1 ~~[Special fees collected under Subsection (c) or (d) of this section~~
2 ~~may not be used to finance a surface water supply reservoir~~
3 ~~project].~~

4 (i) The authority and other stakeholders, including state
5 agencies, listed under Section 1.26A of this article shall provide
6 money as necessary~~[, but not to exceed five percent of the money~~
7 ~~collected under Subsection (d) of this section,~~] to finance the
8 activities of the steering committee and any subcommittees
9 appointed by the steering committee and the program director of the
10 recovery implementation program under Section 1.26A of this
11 article. The authority shall provide, as necessary, up to \$75,000
12 annually, adjusted for changes in the consumer price index, to
13 finance the South Central Texas Water Advisory Committee's
14 administrative expenses and programs authorized under this
15 article.

16 SECTION 8. Subsection (a), Section 1.45, Chapter 626, Acts
17 of the 73rd Legislature, Regular Session, 1993, is amended to read
18 as follows:

19 (a) The authority may own, finance, design, construct,
20 ~~[build or]~~ operate, and maintain recharge dams and associated
21 facilities, structures, or works in the contributing or recharge
22 area of the aquifer if the recharge is made to increase the yield of
23 the aquifer, ~~[and]~~ the recharge project does not impair senior
24 water rights or vested riparian rights.

25 SECTION 9. Subsections (b) and (d), Section 1.14, Section
26 1.21, and Subsections (a), (c), and (d), Section 1.29, Chapter 626,
27 Acts of the 73rd Legislature, Regular Session, 1993, are repealed.

1 SECTION 10. (a) Before January 1, 2012, a suit may not be
2 instituted in a state court contesting:

3 (1) the validity or implementation of this Act; or

4 (2) the groundwater withdrawal amounts recognized in
5 Section 2 of this Act.

6 (b) If applicable, a party that files a suit in any court
7 shall be automatically removed from the steering committee
8 established under Section 1.26A, Chapter 626, Acts of the 73rd
9 Legislature, Regular Session, 1993, as added by this Act.

10 (c) A suit against the Edwards Aquifer Authority may not be
11 instituted or maintained by a person who owns, holds, or uses a
12 surface water right and claims injury or potential injury to that
13 right for any reason, including any actions taken by the Edwards
14 Aquifer Authority to implement or enforce Article 1, Chapter 626,
15 Acts of the 73rd Legislature, Regular Session, 1993, as amended.

16 SECTION 11. The change in law made by this Act applies only
17 to a cause of action filed on or after the effective date of this
18 Act. A cause of action that is filed before the effective date of
19 this Act is governed by the law in effect immediately before the
20 effective date of this Act, and that law is continued in effect for
21 that purpose.

22 SECTION 12. This Act takes effect immediately if it
23 receives a vote of two-thirds of all the members elected to each
24 house, as provided by Section 39, Article III, Texas Constitution.
25 If this Act does not receive the vote necessary for immediate
26 effect, this Act takes effect September 1, 2007.