



September 4, 2015
Number 32

Updated Legal Publications

A number of new state laws took effect on September 1, 2015. (A complete summary of each city-related bill and its effective date is available in the June 5, 2015, edition of the [Legislative Update](#).) Most of those bills don't require any immediate action, but the League always updates our online handbooks on various municipal law subjects to reflect new laws. The following handbooks have been updated:

- [Texas Municipal Procurement Laws Made Easy](#)
- [Employment Law Manual for Texas Cities](#)
- [Texas Municipal League Economic Development Handbook](#)

These and more helpful publications explaining municipal law are available at www.tml.org, under the "Legal Research" tab on the left side of the page.

EPA Clean Water Rule Litigation Update

On August 27, 2015, a federal district court in North Dakota granted the request of a number of states to block the implementation of the U.S. Environmental Protection Agency's (EPA) rule defining "waters of the United States" under the Clean Water Act.

Under the order, the plaintiff states (Alaska, Arizona, Arkansas, Colorado, Idaho, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, and Wyoming) are not subject to the new rule, and instead continue to be subject to the prior regulation.

Texas was not a plaintiff in the North Dakota litigation, and the revised “waters of the U.S.” rule became effective here on August 28, 2015. However, Texas, Louisiana, and Mississippi have filed their own lawsuit in federal district court in Houston. They assert that the EPA rule is “an unconstitutional and impermissible expansion of federal power over the states and their citizens and property owners.” More specifically, they argue that the rule violates the U.S. Constitution, federal law and U.S. Supreme Court precedent, and places costly burdens on landowners in Texas.

League staff will monitor and report on the lawsuits as they progress.

TML member cities may use the material herein for any purpose. No other person or entity may reproduce, duplicate, or distribute any part of this document without the written authorization of the Texas Municipal League.