

BILL	AUTHOR	STATUS	ACTION REQUESTED	COMMENTS
HB 666	Harris	Filed 11/30/2020		Appears to be Identical to HB 668 by Harris
HB 668	Harris	Filed 11/30/2020 (Identical to SB 152)		<p><u>ATTORNEY'S FEES</u></p> <p>Section 36.066, Water Code, is amended by amending Subsection (g) and adding Subsection (i) to read as follows:</p> <p>(g) If the district prevails in any suit other than a suit in which it voluntarily intervenes, the district may seek and the court may [shall] grant, in the interests of justice and as provided by Subsection (h), in the same action, recovery for attorney's fees, costs for expert witnesses, and other costs incurred by the district before the court. The amount of the attorney's fees shall be fixed by the court.</p> <p><u>(i) Notwithstanding Section 36.052(a), Subsections (g) and (h) of this section prevail over any other special law inconsistent with those subsections unless the other law prohibits an award of attorney's fees or costs.</u></p> <p><u>PETITION FOR RULEMAKING</u></p> <p>Subchapter D, Chapter 36, Water Code, is amended by adding Section 36.1025 to read as follows:</p> <p><u>Sec. 36.1025. PETITION TO CHANGE RULES.</u></p> <p><u>(a) A person with groundwater ownership and rights may petition the district where the property that gives rise to the ownership and rights is located to adopt a rule or modify a rule adopted under this chapter.</u></p> <p><u>(b) A petition submitted under this section must include:</u></p>

				<p>(1) <u>an explanation of why the adoption or modification of the rule requested is necessary to be consistent with:</u></p> <p><u>(A) ownership and rights recognized under Section 36.002;</u> <u>or</u></p> <p><u>(B) conservation or beneficial use of the groundwater resources located in the district, in regard to either:</u> <u>(i) the entire district; or</u> <u>(ii) an aquifer, subdivision of an aquifer, or geologic strata located in the district; and</u></p> <p>(2) <u>proof that the petitioner has complied with the notice requirements described by Subsection (c).</u></p> <p><u>(c) A petitioner under this section must provide written notice of the petition to each person with groundwater ownership and rights in the geographic area that would be affected by the adoption or modification of the rule described in the petition.</u></p> <p><u>(d) The district may consider the petition at a public hearing or a regularly scheduled board meeting. If a district meets quarterly, the district must grant or deny the petition not later than the 90th day after the date the district received the petition.</u></p> <p><u>(e) After a hearing held under Subsection (d), the district shall grant or deny the petition and may grant or deny the petition wholly or partly. The district shall provide an explanation for the action the district takes on the petition, including a determination about the consistency of the action with the concerns raised by the petitioner's explanation required by Subsection (b)(1).</u></p> <p><u>(f) As soon as practicable after a petition or a portion of a petition is</u></p>
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			<p><u>granted, the district shall engage in rulemaking consistent with the granted petition or the granted portion of the petition.</u></p> <p><i>ADMINISTRATIVE COMPLETENESS</i></p> <p>Section 36.114(h), Water Code, is amended to read as follows:</p> <p>(h) An application is administratively complete if it contains the information set forth under Sections 36.113 and 36.1131 <u>and, if applicable, the applicant has submitted proof of notice required under Section 36.1141.</u> A district shall not require that additional information be included in an application for a determination of administrative completeness.</p> <p><i>NOTICE OF PERMIT APPLICATION OR AMENDMENT</i></p> <p>Subchapter D, Chapter 36, Water Code, is amended by adding Section 36.1141 to read as follows:</p> <p><u>Sec. 36.1141. NOTICE REQUIRED FOR APPLICATION FOR PERMIT OR PERMIT AMENDMENT.</u></p> <p><u>(a) Not later than the date that a person submits an application for a permit or permit amendment to a district, the person shall provide notice by certified mail, return receipt requested, to each person with a real property interest in the groundwater beneath the land within the space prescribed by the district's spacing rules for the proposed or existing well.</u></p> <p><u>(b) The notice required under Subsection (a) must inform the recipient of the notice that the recipient may contest the application for the permit or permit amendment.</u></p>
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			<p><u>(c) a person who provides notice under Subsection (a) shall submit proof of providing the notice with the person 's application for the permit or permit amendment.</u></p> <p><i>PERSON ENTITLED TO NOTICE</i></p> <p>SECTION A5. Section 36.415, Water Code, is amended by adding Subsection (c) to read as follows:</p> <p><u>(c) For purposes of this section, a person entitled to receive notice under Section 36.1141 is considered to have a personal justiciable interest described by Subsection (b).</u></p> <p>IDENTICAL TO SB 152 by PERRY</p>
HB 966	Burns	Filed 1/5/2021	<p><i>ATTORNEY'S FEES</i></p> <p>Section 36.066, Water Code, is amended by amending Subsections (g) and (h) and adding Subsection (i) to read as follows:</p> <p>(g) If the district prevails in any suit other than a suit in which it voluntarily intervenes, the district may seek and the court may [shall] grant, in the interests of justice and as provided by Subsection (h), in the same action, recovery for attorney's fees, costs for expert witnesses, and other costs incurred by the district before the court. The amount of the attorney's fees shall be fixed by the court.</p> <p>(h) If the district prevails on some, but not all, of the issues in the suit, the court may [shall] award attorney's fees and costs only for those issues on which the district prevails. The district has the burden of segregating the attorney's fees and costs in order for the court to make an award.</p> <p><u>(i) Notwithstanding Section 36.052(a), Subsections (g) and (h) of this</u></p>

			<p><u>section prevail over any special law inconsistent with those subsections.</u></p> <p>Section 36.102, Water Code, is amended by amending Subsection (d) and adding Subsection (f) to read as follows:</p> <p>(d) If the district prevails in any suit to enforce its rules, the district may seek and the court may [shall] grant against any person, in the same action, recovery for attorney’s fees, costs for expert witnesses, and other costs incurred by the district before the court. The amount of the attorney’s fees shall be fixed by the court.</p> <p><u>(f) Notwithstanding Section 36.052(a), Subsection (d) of this section prevails over any special law inconsistent with that subsection.</u></p>
SB 152	Perry	Filed 11/10/2020	<p>Section 36.066, Water Code, is amended by amending Subsection (g) and adding Subsection (i) to read as follows:</p> <p><i>ATTORNEY’S FEES</i></p> <p>(g) If the district prevails in any suit other than a suit in which it voluntarily intervenes, the district may seek and the court may [shall] grant, in the interests of justice and as provided by Subsection</p> <p>(h), in the same action, recovery for attorney’s fees, costs for expert witnesses, and other costs incurred by the district before the court. The amount of the attorney’s fees shall be fixed by the court.</p> <p><u>(i) Notwithstanding Section 36.052(a), Subsections (g) and (h) of this section prevail over any other special law inconsistent with those subsections unless the other law prohibits an award of attorney’s fees or costs.</u></p> <p><i>PETITION FOR RULEMAKING</i></p>

				<p>SECTION 2. Subchapter D, Chapter 36, Water Code, is amended by adding Section 36.1025 to read as follows:</p> <p><u>Sec. 36.1025. PETITION TO CHANGE RULES.</u></p> <p><u>(a) A person with groundwater ownership and rights may petition the district where the property that gives rise to the ownership and rights is located to adopt a rule or modify a rule adopted under this chapter.</u></p> <p><u>(b) A petition submitted under this section must include:</u></p> <p><u>(3) an explanation of why the adoption or modification of the rule requested is necessary to be consistent with:</u></p> <p><u>(A) ownership and rights recognized under Section 36.002; or</u></p> <p><u>(B) conservation or beneficial use of the groundwater resources located in the district, in regard to either:</u></p> <p><u>(i) the entire district; or</u></p> <p><u>(ii) an aquifer, subdivision of an aquifer, or geologic strata located in the district; and</u></p> <p><u>(4) proof that the petitioner has complied with the notice requirements described by Subsection (c).</u></p> <p><u>(c) A petitioner under this section must provide written notice of the petition to each person with groundwater ownership and rights in the geographic area that would be affected by the adoption or modification of the rule described in the petition.</u></p> <p><u>(d) The district may consider the petition at a public hearing or a</u></p>
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