

Item 8e – 89th Legislative Session Update

The Texas Legislature will convene January 14, 2025 for the 89th Legislative Session. There will be bills filed that will affect the management of groundwater. You will be made aware of any bills filed and have the opportunity as a board to not only discuss it but determine whether to support, oppose, or remain neutral on the filing.

The General Manager will be the District's envoy to the Legislature concerning the stance taken by the District. Sabrina Brown, District Legislative Consultant, will be made aware of all decisions made and guidance provided by the Board. It has been customary for the board, once all bills have been filed, to review all bills affecting groundwater management in the District, take a position giving guidance to the General Manager and legislative consultant as visits are made to the Capitol.

Attached is a listing of all bills currently filed that concern groundwater and administration of District affairs.

BILL	AUTHOR	STATUS	COMMENTS 1-6-25
HB 638	Tepper	Filed 11/12/24	<p>Relating to a requirement that certain water districts make audio and video recordings of open meetings available on the Internet.</p> <p>Requires Chapter 36 GCD, among other entities, to:</p> <p>(1) make a video and audio recording of reasonable quality of each:</p> <p style="padding-left: 40px;">(A) regularly scheduled open meeting that is not a work session or a special called meeting; and</p> <p style="text-align: center;">***</p> <p>(2) make available an archived copy of the video and audio recording of each meeting described by Subdivision (1) on the Internet.</p>
HB 1050	Dorazio	<p>Filed 11/12/24</p> <p>This bill requires loser pay attorney fees to prevailing part.</p> <p>If GCD gets sued and loses in court, this would require GCD to pay plaintiff's atny fees.</p>	<p>Relating to the award of attorney's fees in certain suits involving a groundwater conservation district.</p> <p style="text-align: center;">SECTION 1. Sections 36.066(g) and (h), Water Code, are amended to read as follows <i>[applies to suits filed after 9/1/25]:</i></p> <p>(g) <u>Except for</u> [If the district prevails in any suit other than] a suit in which a district [is] voluntarily intervenes, the <u>prevailing party in a suit governed by this section</u> [district] may seek and the court 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 <u>prevailing party</u> [district] before the court. The amount of the attorney's fees shall be fixed by the court.</p> <p>(h) <u>The court shall award to a prevailing party that</u> [If the district] prevails on some, but not all, of the issues in the suit [, the court shall award] attorney's fees and costs only for those issues on which the <u>party</u> [district] prevails. The <u>prevailing party</u> [district] has the burden of segregating the attorney's fees and costs in order for the court to make an award.</p>
HB 873	Wilson	Filed 11/12/24	<p>Relating to air quality permits for aggregate production operations and concrete batch plants.</p> <p>Requires notice to GCDs for air quality permits for aggregate production operations and concrete batch plants</p>
SB 444	Hinojosa	Filed 11/21/24	<p>Relating to a requirement that certain special purpose districts cause certain information to be posted on an Internet website.</p>

			Continues to exempt from TOMA requirement that GCDs put certain Financial and Operating Information on website
HB 1382	Virdell	Filed 11/18/24	Relating to a prohibition on weather modification and control; creating a criminal offense. Eliminates the weather modification program, effective 9/1/2025. Makes it a Class A misdemeanor for everyday a person engages in weather modification.
SB 480	Perry		Relating to the authority of a local government to enter into an interlocal contract with certain governmental entities to participate in water research or planning activities. SECTION 1. Subchapter C, Chapter 791, Government Code, is amended by adding Section 791.038 to read as follows: <u>Sec. 791.038. CONTRACTS FOR WATER RESEARCH OR PLANNING. A local government may contract with another local government, the state, or the federal government to jointly participate in research or planning activities related to water resources.</u>
SB?	Perry		Water bill to create 10 to 11 million acre-feet shortfall of new developed water
SB 1523	Hinojosa	Filed 11/21/24	Public/Private Cost Sharing for Desalination Projects Sec. 2267.067. COST SHARING REQUIREMENTS FOR CERTAIN QUALIFYING PROJECTS. (a) Subject to Subsection (b), a comprehensive agreement or service contract for a qualifying project authorizing the operation of a desalination facility, including a brackish water desalination facility, shall require a private entity to pay at least 50 percent of the energy costs to operate the facility. (b) This section applies only after a desalination facility charges the first customer for water produced by the facility.
HB1400	Harris	11-19-24	Relating to creation of the groundwater science, research, and innovation fund to be administered by the Texas Water Development Board. SECTION 1. Chapter 15, Water Code, is amended by adding Subchapter F-1 to read as follows: SUBCHAPTER F-1. GROUNDWATER SCIENCE, RESEARCH, AND INNOVATION

		<p>FUND</p> <p>Sec. 15.421. DEFINITIONS. In this subchapter:</p> <p>(1) "District" means a groundwater conservation district created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, that has the authority to regulate the spacing of wells producing from groundwater reservoirs in the district and regulate the production from those wells.</p> <p>(2) "Fund" means the groundwater science, research, and innovation fund.</p> <p>Sec. 15.422. GROUNDWATER SCIENCE, RESEARCH, AND INNOVATION FUND.</p> <p>(a) The groundwater science, research, and innovation fund is a special fund in the state treasury to be administered by the board under this subchapter and rules adopted by the board under this subchapter.</p> <p>(b) The fund consists of:</p> <ol style="list-style-type: none"> (1) money appropriated for transfer or deposit to the credit of the fund; (2) money the board transfers to the fund from any available source; (3) depository interest allocable to the fund and other investment returns on money in the fund; (4) money from gifts, grants, or donations to the fund; and (5) any other fees or sources of revenue that the legislature may dedicate for deposit to the fund. <p>Sec. 15.423. USE OF FUND. (a) The board may use the fund only to provide financial assistance in the form of grants to finance district programs and projects that will further groundwater science, research, and innovation in this state, including local research, data, modeling, and innovative programs and projects designed to:</p> <ol style="list-style-type: none"> (1) improve understanding of local groundwater conditions; (2) develop or improve groundwater models relied on for planning and decision-making; (3) improve groundwater use efficiency and increase water conservation efforts; (4) increase groundwater recharge; or (5) protect groundwater quality. <p>(b) The fund may be used for any purpose described by Subsection (a) under criteria developed by the board.</p> <p>Sec. 15.424. FINANCIAL ASSISTANCE. The board shall adopt rules necessary to administer this subchapter, including rules establishing procedures for the application for and award of financial assistance, the distribution of financial assistance, and the</p>
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HB1523	Gerdes	12- 5-24	<p>Relating to a prohibition on the authorization by the Texas Commission on Environmental Quality of the use of a Class V injection well for certain aquifer storage and recovery projects.</p> <p>SECTION 1. Subchapter G, Chapter 27, Water Code, is amended by adding Section</p>

			<p>27.1535 to read as follows:</p> <p><u>Sec. 27.1535. CERTAIN AUTHORIZATIONS PROHIBITED. (a) This section applies only to a Class V injection well located in any portion of the territory of a groundwater conservation district that is located wholly or partly in a county that:</u></p> <p><u>(1) has a population of more than 70,000 and less than 100,000 and contains a portion of the Colorado River; and</u></p> <p><u>(2) is adjacent to a county that has a population of one million or more.</u></p> <p><u>(b) The commission may not authorize the use of a Class V injection well for an aquifer storage and recovery project operated by a municipally owned utility that primarily provides water to a municipality that:</u></p> <p><u>(1) has a population of 750,000 or more; and</u></p> <p><u>(2) is located in a county adjacent to a county described by Subsection (a).</u></p>
HB1529	Goodwin	12- 5-24	<p>relating to production fees imposed by the Southwestern Travis County Groundwater Conservation District; authorizing an increase in the rate of the fee.</p> <p>SECTION 1. Section 8871.154, Special District Local Laws Code, is amended to read as follows:</p> <p>Sec. 8871.154. PRODUCTION FEE. The district may impose reasonable production fees on each well that is not exempt from permitting under Section 8871.103 based on the amount of water actually withdrawn from the well. The district may not impose a production fee under this section in an amount greater than <u>50</u> [20] cents per thousand gallons.</p>

<p>HB1618</p> <p>SB 616</p>	<p>Harris Davila</p> <p>Schwertner</p>	<p>12-13-24</p> <p>12-13-24</p>	<p>relating to aquifer storage and recovery projects that transect a portion of the Edwards Aquifer.</p> <p>SECTION 1. Section 27.051(i), Water Code, is amended to read as follows:</p> <p>(i) For purposes of this subsection, "Edwards Aquifer" has the meaning assigned by Section 26.046(a). Except as otherwise provided by this subsection, the commission may not authorize by rule or permit an injection well that transects or terminates in the Edwards Aquifer. The commission by rule <u>or permit</u> may authorize:</p> <p>(1) injection of groundwater withdrawn from the Edwards Aquifer;</p> <p>(2) injections of storm water, flood water, or groundwater through improved sinkholes or caves located in karst topographic areas; [ø]</p> <p>(3) injections of water made in accordance with Section 1.44(e)(3), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993; <u>or</u></p> <p><u>(4) an aquifer storage and recovery project that includes an ASR injection well, as defined under Section 27.151, that transects the Edwards Aquifer in the area of Williamson County east of Interstate Highway 35 for the injection of water into a geologic formation that underlies the Edwards Aquifer.</u></p>
<p>HB1633</p> <p>SB 623</p>	<p>Gerdes</p> <p>Kolkhorst</p>	<p>12-16-24</p> <p>12-16-24</p>	<p>relating to the criteria considered by groundwater conservation districts before granting or denying a permit or permit amendment.</p> <p>SECTION 1. Section 36.113(d), Water Code, is amended to read as follows:</p> <p>(d) This subsection does not apply to the renewal of an operating permit issued under Section 36.1145. Before granting or denying a permit, or a permit amendment issued in accordance with Section 36.1146, the district shall consider whether:</p> <p>(1) the application conforms to the requirements prescribed by this chapter and is accompanied by the prescribed fees;</p> <p>(2) the proposed use of water unreasonably affects:</p> <p><u>(A) existing groundwater and surface water resources; [ø]</u></p> <p><u>(B) existing permit holders; or</u></p> <p><u>(C) wells that are registered with the district and exempt from the requirement to obtain a permit under this chapter or district rules;</u></p> <p>(3) the proposed use of water is dedicated to any beneficial use;</p> <p>(4) the proposed use of water is consistent with the district's approved</p>

			<p>management plan;</p> <p>(5) if the well will be located in the Hill Country Priority Groundwater Management Area, the proposed use of water from the well is wholly or partly to provide water to a pond, lake, or reservoir to enhance the appearance of the landscape;</p> <p>(6) the applicant has agreed to avoid waste and achieve water conservation;</p> <p>and</p> <p>(7) the applicant has agreed that reasonable diligence will be used to protect groundwater quality and that the applicant will follow well plugging guidelines at the time of well closure.</p>
HB1689	Gerdes	12-20-24	<p>relating to the use of certain groundwater export fees collected by a groundwater conservation district.</p> <p>SECTION 1. Section 36.207, Water Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:</p> <p>(b) A district may use funds obtained from the amount that an export fee is increased under Section 36.122(e-1) on or after January 1, 2024, only for costs related to assessing and addressing impacts associated with groundwater development, including:</p> <p>(1) maintaining operability of wells significantly affected by groundwater development, <u>including wells located outside the district;</u></p> <p>(2) developing or distributing alternative water supplies; and</p> <p>(3) conducting aquifer monitoring, data collection, and aquifer science.</p> <p><u>(c) A district may use funds described by Subsection (b) to maintain the operability of wells described by Subsection (b)(1) that are located in another district only if the district enters into an interlocal contract under Chapter 791, Government Code, with the other district authorizing the funds to be used for that purpose.</u></p>
HB1690	Gerdes	12-20-24	<p>relating to an application for a permit for the transfer of groundwater out of a groundwater conservation district.</p> <p>SECTION 1. Section 36.122, Water Code, is amended by adding Subsection (d-1) to read as follows:</p> <p><u>(d-1) The district shall adopt rules requiring that notice be given for an application filed to comply with this section. The notice must be:</u></p> <p>(1) <u>paid for by the applicant;</u></p>

			<p>(2) <u>sent by certified mail to:</u></p> <p>(A) <u>each district that is adjacent to the district considering the application;</u></p> <p>(B) <u>the commissioners court of each county in which the district considering the application is located; and</u></p> <p>(C) <u>the commissioners court of each county in which a district that receives notice under Paragraph (A) is located; and</u></p> <p>(3) <u>published in:</u></p> <p>(A) <u>a newspaper of general circulation in the county in which the district considering the application is located; and</u></p> <p>(B) <u>a newspaper of general circulation in each county in which a district that receives notice under Subdivision (2)(A) is located.</u></p>
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