

BILL	AUTHOR	STATUS	ACTION REQUESTED	COMMENTS
HB 668 (Identical) to SB152	Harris	Filed 11/30/21; Referred to HNRC 3/1/21		<b>GCD LEGISLATION</b> <b>Identical to SB152 except for language added in CSSB152 for “Unreasonable Desired Future Conditions”</b>
<b>SB152</b>	Perry	Filed 11/10/21; Referred to SWARC 3/3/21; CSSB 152 heard 3/22/21; Passed favorably 3/25/21; Placed on Senate Intent Calendar for 4/6/21; <b>Passed Senate 4-7-21</b>		<u>ATTORNEY’S FEES</u> <ul style="list-style-type: none"> <li>- Amends §36.066, Water Code to change “shall” to “may” regarding court granting GCD attorney fees if GCD prevails</li> <li>- Makes same change to all GCD enabling acts</li> </ul> <u>PETITION FOR RULEMAKING</u> <ul style="list-style-type: none"> <li>- adds §36.1025 to allow a person with groundwater rights in the GCD to petition to adopt or modify a GCD rule.</li> <li>- requires petitioner to provide written notice to all affected by proposed rule</li> <li>- GCD must grant or deny petition within 90 days after a hearing and GCD “<u>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</u>”</li> <li>- GCD shall engage in granted rulemaking as soon as practicable</li> </ul> <u>NOTICE REQUIRED FOR PERMIT APPLICATION/AMENDMENT</u> <ul style="list-style-type: none"> <li>- Amends §36.114(h) and adds §36.1141, Water Code, is amended to require permit (or amendment) applicant to “<u>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>” before the application can be administratively complete. The people receiving notice are</li> </ul>

				<p>deemed to have “a personal justiciable interest” to “contest the application for the permit or permit amendment.”</p> <p><u>UNDESIRABLE DESIRED FUTURE CONDITIONS</u></p> <p>Section 36.1071, Water Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (b-2) to include the: (2)(A) <u>most recently approved desired future conditions adopted under Section 36.108; and (B) amount of modeled available groundwater corresponding to the most recently approved desired future conditions.</u> (b-1) <u>district shall amend a management plan before the second anniversary of the adoption of desired future conditions included under Subsection (b).</u> (b-2) <u>If a petition challenging the reasonableness of a desired future condition is filed under Section 36.1083(b), the executive administrator shall consider the management plan administratively complete if the district includes: (1) the most recently approved desired future conditions adopted under Section 36.108; (2) the amount of modeled available groundwater corresponding to the desired future conditions; (3) a statement of the status of the petition challenging the reasonableness of a desired future condition; and (4) the information required by Subsections (a) and (e).</u></p> <p><b>CSSB 152 adds the section pertaining to Unreasonable Desired Future Conditions</b></p>
HB 966	Burns	Filed 1/05/21; Referred to HNRC 3/1/21		<p><u>ATTORNEY'S FEES</u></p> <ul style="list-style-type: none"> <li>- Amends §§36.066 and 36.102, Water Code to change “shall” to “may” regarding court granting GCD attorney fees if GCD prevails</li> <li>- Makes same change to all GCD enabling acts</li> </ul>
<b>HB 2652</b>	Larson	Filed 03/02/21; Referred to HNRC		Establishes an advisory board to study surface water and groundwater interaction

SB 1039	Eckhardt	3/17/21; <b>Heard</b> 4/6/21; <b>Left Pending</b>  Filed 03/04/21; Referred to SWARC 3/18/21		--includes "one person to represent the interests of groundwater conservation districts, recommended by the Texas Commission on Environmental Quality and appointed jointly by the chairs of the house natural resources committee and the senate water and rural affairs committee"
HB 2851	Lucio	Filed 03/04/21; Referred to HNRC 3/18/21		Section 36.001, Water Code, is amended: <u>(32) "Modeled sustainable groundwater pumping" means the maximum amount of groundwater that the executive administrator determines may be produced in perpetuity from an aquifer on an annual basis using the best available science.</u>  Amends Section 36.108 (DFCs): (d) the districts shall consider: *** (3) hydrological conditions, including for each aquifer in the management area the total estimated recoverable storage and <u>modeled sustainable groundwater pumping</u> as provided by the executive administrator, and the average annual recharge, inflows, and discharge;  <u>(d-5) Notwithstanding Subsection (d)(3), the executive administrator may not calculate the modeled sustainable groundwater pumping for an aquifer located in a management area that wholly or partly overlies an aquifer with a recharge rate such that an owner of land that overlies the aquifer qualifies under federal tax law for a cost depletion deduction for the groundwater withdrawn from the aquifer for irrigation purposes.</u>
HB 3619	Bower	Filed 3/10/21; Referred to HNRC 3/22/21; <b>Heard</b> 4/6/21; <b>Left Pending</b>		(d) ... Before granting or denying a permit, or a permit amendment issued in accordance with Section <u>36.1146</u> , the district shall consider whether: *** (2) the proposed use of water unreasonably affects: (A) existing groundwater and surface water resources; [ <del>or</del> ]
SB 946	Eckhardt	Filed 03/02/21;		

		Referred to SWARC 3/11/21		<u>(B) existing permit holders; or</u> <u>(C) wells that are exempt from the requirement to obtain a permit under this chapter or district rules</u>
HB 2095	Wilson	Filed 02/23/2021; Referred to HNRC 3/15/21		<p>Relating to water research conducted by The University of Texas Bureau of Economic Geology.</p> <p>SUBTITLE G. WATER RESEARCH</p> <p>CHAPTER 39. INTEGRATED WATER RESEARCH</p> <p>Sec. 39.0101. DEFINITION. In this chapter, "bureau" means The University of Texas Bureau of Economic Geology.</p> <p>Sec. 39.0102. MONITORING AND MODELING. (a) The shall collect monitoring data related to surface water and groundwater and the integration of surface water and groundwater. For purposes of this section, the bureau may collect data related soil or atmospheric moisture, if appropriate.</p> <p>(b) The bureau shall use the data collected under Subsection (a) to create a system of comprehensive surface water and groundwater models, including models of the integration of surface water and groundwater.</p> <p>Sec. 39.0103. COOPERATION. As is necessary to carry out duties under this chapter, the bureau may cooperate with:</p> <ol style="list-style-type: none"> <li>(1) Texas A&amp;M University;</li> <li>(2) Texas Tech University;</li> <li>(3) a state agency; or</li> <li>(4) a private entity.</li> </ol> <p>Sec. 39.0104. RESULTS. The bureau shall make the results of the monitoring and modeling required by this chapter available to state agencies and state institutions of higher education.</p> <p>Sec. 39.0105. PUBLIC INFORMATION EXEMPTION. The models produced as required by this chapter are not subject to disclosure under Chapter 552, Government Code.</p>
HB 3801	Metcalf	Filed 3/11/21; Referred to HNRC 3/23/21; <b>Heard</b>		Relating to desired future conditions for groundwater that are declared unreasonable.

SB 2157	Creighton	<p>3/30/21; CSHB 3801 voted favorably out of committee 4/1/21</p> <p>Filed 3/23/21;</p>		<p>SECTION 1. Section 36.1071, Water Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (b-2) to read as follows: (b) The management plan, or any amendments to the plan, shall: (1) be developed using the district 's best available data and forwarded to the regional water planning group for use in their planning process; and (2) include the: (A) most recently approved desired future conditions adopted under Section 36.108; and (B) amount of modeled available groundwater corresponding to the most recently approved desired future conditions. (b-1) district shall amend a management plan before the second anniversary of the adoption of desired future conditions included under Subsection (b). (b-2) If a petition challenging the reasonableness of a desired future condition is filed under Section 36.1083(b), the executive administrator shall consider the management plan administratively complete if the district includes: (1) the most recently approved desired future conditions adopted under Section 36.108; (2) the amount of modeled available groundwater corresponding to the desired future conditions; (3) a statement of the status of the petition challenging the reasonableness of a desired future condition; and (4) the information required by Subsections (a) and (e).</p>
HB 3972	King	<p>Filed 3/11/21; Referred to HNRC 3/29/21;</p>		<p><u>Relating to a person obtaining a surety bond before filing a suit against a groundwater conservation district.</u></p> <p><u>SECTION 1. Subchapter H, Chapter 36, Water Code, is amended by adding Section 36.2515 to read as follows: Sec. 36.2515. SURETY BOND REQUIRED. (a) A person shall obtain a surety bond before filing a suit under Section 36.251. The surety bond must cover all legal costs associated with the suit, including: (1) costs that may be incurred by the district and applicant; and (2) the cost of a hearing before the State Office of Administrative Hearings if requested. (b) The bond shall be filed with the clerk of the district court in which the suit is filed pursuant to Section 36.251. (c) If appeal is taken from a decision of the district court affirming the district 's decision to issue the permit, the person bringing that appeal shall increase the amount of the bond to</u></p>

				<p><u>cover the following additional costs: (1) the actual costs incurred by the district and the applicant in the district court; and (2) the estimated costs that may be incurred by the district and the applicant if appeal is taken: (i) to the court of appeals, and (ii) to the supreme court (d) If on appeal, the person challenging the issuance of the permit prevails in the final decision, the district court clerk shall return the bond to the person posting it upon receipt of an order from the court authorizing its release.</u></p>
SB 1314	Lucio	Filed 3/10/21; Referred to SWARC 3/18/21;		<p>Relating to a person obtaining a surety bond before filing a suit against a groundwater conservation district.</p> <p>SECTION 1. Subchapter H, Chapter 36, Water Code, is amended by adding Section 36.2515 to read as follows: <u>Sec. 36.2515. SURETY BOND REQUIRED. A person shall obtain a surety bond before filing a suit under Section 36.251. The surety bond must cover all legal costs associated with the suit, including: (1) costs that may be incurred by the district and applicant; and (2) the cost of a hearing before the State Office of Administrative Hearings if requested.</u></p>