

BILL	AUTHOR	STATUS	ACTION REQUESTED	COMMENTS
HB 31	Larson	Voted favorably from HNR committee as substituted (4-5-17)		Requires that District can only ask for items/information in application process that is in Ch. 36 and GCD rules as time of application. Clarifies that rule in effect can only apply to permit application. Amends 36 to NOT allow a separate permit for export and clarifies, can't treat them differently as in-district users. Aligns export permit with operation permit terms. Provides restrictions and notice and hearing requirements on moratoriums. Repeals 36.122(f), (g), (h), (i), (j), (k), 24 (l), (m), (n), (o), (p), and (q), which allow additional considerations on export permit applications
HB 180	Lucio	Voted favorably from HNR committee (4-5-17)	Support	Restructures state auditor's audit of GCDs to financial only
HB 645	Lucio	Referred to HNR (2-22-17)	Resource	Amends Section 36.116(c) In regulating the production of groundwater based on tract size or acreage, a district <u>shall</u> [may] consider the service needs or service area of <u>the [a] retail public utility that serves the territory where production is regulated by the district</u> . For the purposes of this subsection, "retail public utility" <u>has</u> [shall have] the meaning assigned [provided] by Section 13.002. <u>A district may determine whether it is appropriate to base the production amount on a retail public utility's service needs or service area under this subsection.</u> <i>So "shall" consider the utility's service needs or area, but District has some discretion whether uses for production acreage purposes</i>
HB 1318	Lucio	Left pending in HNR committee (3-15-17)	Resource	Section 36.116(c), Water Code, is amended to read as follows: (c) In regulating the production of groundwater based on tract size or acreage, a district <u>shall</u> [may] consider the <u>aggregate acreage owned by the retail public utility and the retail public utility's customers inside the district and may subtract permitted wells from that acreage</u> [service needs or service area of a retail public utility]. For the purposes of this subsection, "retail public utility" <u>has</u> [shall have] the meaning assigned [provided] by

				Section 13.002. <i>Requires GCDs to use utility's service area's water rights for production acreage requirements.</i>
HB 2215	Price	Voted favorably from HNR committee as substituted (4-12-17)	Support	Updates DFC timeline in Ch. 16.053 and 36.108, Water Code Similar to SB 1312 by Miles
HB 2377	Larson	Voted favorably from HNR committee as substituted (4-12-17)	Engaged	Brackish bill Concern how TWDB's ability to set DFC on brackish zone affects GCDs' management and DFCs Also, although TWDB sets brackish DFC, the GCD is the one that gets sued for takings, etc.
HB 2378	Larson	Voted favorably from HNR committee (4-5-17)	Support	Identical to SB 774 by Perry
HB 3025	King	Left pending in HNR committee (4-5-17)	Support	Amends 36.118—Well Plugging Statute Allows GCD to require wells to be plugged or capped in 30 days (is now 180 days) for open, uncovered, abandoned, or deteriorated wells
HB 3028	Burns	Left pending in HNR S/C (4-10-17)	Monitor	Fair Share bill, amends attorney mandatory attny fees to "may"; says CANNOT restrict exercise of property rights; mandates DFCs to allow highest practicable use of estimated recoverable storage and only "reasonable" conservation; requires permit application evidence re fair share; says GCDs can't issue a permit that "will result in the confiscation by

				uncompensated drainage of another person's fair share"; allows landowner petition for rulemaking and allows them to file suit against district OR ITS DIRECTORS re rule petition;
HB 3031	King, T.O.	Left pending in HNR S/C (4-10-17)		Relating to the procedure for obtaining a right to use state water if the applicant proposes an alternative source of water that is not state water. Similar to SB 864 by Perry
HB 3037	Workman	Referred to HNR committee (3-27-17)	Strongly Engaged	Creates GMA across complete aquifers---setting up for groundwater authorities like river authorities; Amends DFC process to reflect aquifer wide DFCs
HB 3038	Workman	Referred to HNR committee (3-27-17)	Engaged	Amends DFC process to include an assessment of the brackish groundwater resources of GMA, categorized by salinity ; and demonstrates the DFCs achieve balance if highest practicable use and conservation
HB 3043	Workman	Left pending in HNR S/C (4-10-17)	Strongly Engaged	Adds voting or nonvoting member addition to Management Area Planning Group---no voting members should be on anything developing DFC, as only GCDs can be sued for DFCs Identical to SB 1528 by Creighton
HB 3084	Keough	Referred to HNR committee (3-27-17)	Monitor	Requires the Geo-Technology Research Institute to do groundwater models, research and analysis Identical to SB 1529 by Creighton
HB 3166	Lucio	Left pending in HNR S/C (4-10-17)		Relating to the consideration of modeled sustainable groundwater pumping in the adoption of desired future conditions in groundwater conservation districts
HB 3417	King, T	Left pending in HNR S/C (4-12-17)	Engaged	Relating to the criteria considered by groundwater conservation districts before granting or denying a permit
HB 3497	Burns	Referred to	Monitor	Relating to a groundwater conservation district's use of electronic fund

		HNR committee (3-27-17)		transfers Identical to SB 865 by Perry
HB 3991	Larson	Left pending in HNR S/C (4-12-17)		Re new appropriation of surface water for ASR projects
HB 4017	Larson	Referred to HNR committee (3-31-17)	Support with current language (Strongly engaged)	Identical to SB 1009 by Perry
HB 4045	Cortez	Referred to HNR committee (4-3-17)		Defines “Contiguous Surface Acreage” Requires GCD to issue permits without notice and hearing to owner of land of more than 1000 contiguous acres in two or more GCDs AND “shall authorize the production of a volume of groundwater on a per acre basis equal to the greatest amount of groundwater authorized under permits previously issued by the district receiving the permit application by calculating the per acre-foot per acre volume authorized irrespective of whether the district has adopted rules to limit the production of groundwater on a per acre production basis” Sections 36.113-36.1132, 36.114-36.114, and 36.116 do not apply to permits issued pursuant to this section.
HB 4050	Larson	Referred to HNR committee (3-27-17)		Same export language as in his HB 31
HB 4122	Kacal	Left pending in HNR committee (4-5-17)		Sec. 36.341. PETITION TO TRANSFER. The owner of a parcel of land that is greater than 1,000 acres in area and is included in the territory of two or more groundwater conservation districts by a petition presented to the districts may request that the districts transfer portions of their territories as necessary for the entire parcel to be included in the territory of a single district.

				Identical to SB 1814 by Hinojosa
HB 4162	Larson	Referred to HNR committee (3-31-17)		Amends 36.122. No separate export permit, issue export permit same as operating permit
HB 4164	Larson	Referred to HNR committee (3-31-17)		Notice and hearing requirement for max. 90-day moratoriums
HB 4166	Larson	Referred to HNR committee (3-31-17)		Sec. 36.1147. LIMITATION ON APPLICABILITY OF RULES. The rules of a district in effect on the date an application for a permit or a permit amendment is submitted to the district are the only district rules that may govern the district 's decision to grant or deny the application.
HB 4235	Larson	Referred to HNR committee (4-3-17)		Sunset review for Lone Star and Middle Pecos
SB 189	Uresti	Referred to SAWR committee (1-25-17)	Support	Requires TCEQ and RRC notice to GCDs regarding different types of injection well permit applications
SB 774	Perry	Referred to SAWR committee (2-22-17)	Support	<p>Section 36.122, Water Code, is amended by adding Subsections (j-1) and (j-2) and amending Subsection (k) to read as follows:</p> <p><u>(j-1) A term under Subsection (i) or (j) shall automatically be extended on or before its expiration:</u></p> <p><u>(1) to a term that is not shorter than the term of an operating permit for the production of water to be transferred that is in effect at the time of the extension; and</u></p> <p><u>(2) for each additional term for which that operating permit for production is renewed under Section 36.1145 or remains in effect under Section 36.1146.</u></p>

				<p>(j-2) A permit automatically extended under Subsection (j-1) continues to be subject to conditions contained in the permit as issued before the automatic extension.</p> <p>(k) Notwithstanding the period specified under Subsection [in Subsections] (i), [and] (j), or (j-1) during which water may be transferred under a permit, a district may periodically review the amount of water that may be transferred under the permit and may limit the amount if additional factors considered in Subsection (f) warrant the limitation, subject to Subsection (c). ...</p> <p><i>Puts exports permit terms in line with production permits, if separate.</i></p> <p>Identical to HB 2378 by Larson</p>
SB 862	Perry	Voted favorably from SAWR committee as substituted (4-5-17)	Strongly Engaged	<p>Relating to the award of attorney's fees and other costs in certain proceedings involving a groundwater conservation district—loser pays (Substitute has “permissive language “may grant”)</p>
SB 864	Perry	H Rec'd from Senate (4-4-17)		<p>Relating to the procedure for obtaining a right to use state water if the applicant proposes an alternative source of water that is not state water.</p> <p>Similar to HB 3031 by King, T.O.</p>
SB 865	Perry	H Rec'd from Senate (4-4-17)	Monitor	<p>Relating to a groundwater conservation district's use of electronic fund transfers.</p> <p>Identical to HB 3497 by Burns</p>
SB 1009	Perry	H Rec'd from Senate (3-23-17)	Support with current language (Strongly engaged)	<p>Relating to administratively complete permits under CH. 36. Bill is ok as is—requires that District can only ask for items/information in application process that is in Ch. 36 and GCD rules as time of application.</p> <p>Identical to HB 4017 by Larson</p>

SB 1053	Perry	Left pending in SAWR committee (4-3-17)	Opposed (work with Perry)	Changes DFC appeal process. Removes 36.1083—the required SOAH appeal of DFC—goes straight to court. Expands time frame to appeal. Removes substantial evidence appellate review. Requires TWDB to provide evaluation of DFC to appellate court. (Agreed to pull down this session)
SB 1175	Hinojosa	Referred to IGR committee (3-9-17)	Opposed	Amends Ch 49, Water Code, for district to be dissolved by election. Watch for bills doing this to Chapter 36 districts.
SB 1312	Miles	Referred to SAWR committee (3-14-17)		Relating to the deadline for adoption of desired future conditions in groundwater conservation districts. Similar to HB 2215 by Price
SB 1392	Perry	Left pending in SAWR committee (4-10-17)	Monitor	<ul style="list-style-type: none"> - Adds “Common Reservoir” definition to DFCs instead of “the groundwater resources” - Amends 36.0015(b) to require GCDs to “treat each groundwater owner overlying a common reservoir fairly”--is that “fair share”? And act jointly with other GCDs through common rules developed by the GMA gcs. This will require all GCDs to change their rules now, mid-stream, setting up for massive taking claims. - Amends 36.002(a) to recognizing the landowners “right to us produced groundwater for a beneficial use without causing waste; and amends (d) to allow production limits based on amount of land owned by the landowner (correlative right system) - Amends 36.020(a) to reduce max tax to 37.5 cents/\$100 from 50 cents - Amends 36.0151 to say a river authority rep or employee can/t be a director of a GCD - Amends 36.062 to say GCD office and meeting places must be reasonably accessible to the public who reside in the district - Amends 36.101(a) and (c) that GCDS shall (was may) adopt rules that do not discriminate based on prior use of gw or where gw is

				<p>proposed to be used (gets rid of historic use? and CRP protection)</p> <ul style="list-style-type: none"> - Amends 36.1071(e),(f)(h) to reflect new “common reservoir” wording - Amends 36.108(c)(d)(d-1)(d-2)(d-3)(d-4) to add “common reservoir” wording and takes out consideration of “aquifer uses and or conditions” and “socioeconomic impact”---therefore DFCs don’t consider state water plan?? - Clarifies that DFC must be adopted within 60 days of public comment period and shall submit explanatory report within 120 days of public comment period - Amends 36.1083(e) to add “common reservoir” wording - Amends 36.1084(b) to require TWDB to report the MAG as the total available groundwater for each common reservoir identified in 36.108 - Amends 36.1085 and 1086 to add “common reservoir” and allow GCDs in GMA to do joint aquifer monitoring - Amends 36.113(d) to add that in granting a permit or permit amendment, a GCD shall make sure the well conforms to GCD’s well spacing and production rules, and takes out that the use be consistent with MP - Amends 36.1131(b) to add that permit may include conditions and restriction under GCD rules under 36.116 (production rules) - Amends 36.1132 and changes Permits Based on Modeled Available GW to District Management to Achieve DFCs: - Requires GCDs over common reservoir to have common rules on spacing and production; monitoring gw conditions at least every 2 years; and a dfc achieval report; requires joint hearing if not achieving DFCs---(however, it’s good not to achieve DFCs???)---wording doesn’t make sense) and requires GCDs to adopt rules to achieve DFCs - Amends 36.114(a)(h) to require a GCD to require a permit or amendment for <p>(1) <u>drilling a new or replacement well;</u></p>
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				<p>(2) <u>increasing the instantaneous peak production rate of a well or well system permit;</u></p> <p>(3) <u>increasing the authorized annual production volume of a well or well system permit; and</u></p> <p>(4) <u>changing the designated use of water produced under an existing well or well system permit</u></p> <ul style="list-style-type: none"> - Requires GCD to declare if an application with admin complete within 30 days - Amends 36.116(a)(b)(c) to require GCD, in its production rules, to maintain well spacing or gw production allocation existing before the effective date of rules (takes out may preserve historic use). - Requires district over a common reservoir to adopt the same production rules and DELETES ability to have different rules or different geographic area bc of uses or conditions - Deletes ability to limit the amount of water produced based on CONTIGUOUS surface area. - Deletes any limits on water exporting - Puts 30 year export permit, and deletes 3 year permit if not constructed... - Amends 36.205(f) to Decrease tax to .37/\$100 - Amends 36.207 to say funds from export fees may be used only to aquifer monitoring, modeling, research...or “issue payments to existing permit holders in the district” based on pro rata share of acreage acreage and “drainable volume” - Amends 36.4051 (a)(d) - Repeals various special district enabling act provisions and : - Definition of "Evidence of historic or existing use"; "Operating permit" as added by 84th session (it’s in 36 twice); - Repeals 36.002(b-1): <ul style="list-style-type: none"> (b-1) The groundwater ownership and rights described by this section do not: <ul style="list-style-type: none"> (1) entitle a landowner, including a landowner's lessees,
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				<p>heirs, or assigns, to the right to capture a specific amount of groundwater below the surface of that landowner's land; or</p> <p>(2) affect the existence of common law defenses or other defenses to liability under the rule of capture.</p> <ul style="list-style-type: none"> - Repeals 36.0151(f) and (g) <ul style="list-style-type: none"> (f) Before September 1, 2021, the commission may not create a groundwater conservation district under this section in a county: <ul style="list-style-type: none"> (1) in which the annual amount of surface water used is more than 50 times the annual amount of groundwater produced; (2) that is located in a priority groundwater management area; and (3) that has a population greater than 2.3 million. (g) To the extent of a conflict between Subsection (f) and Section <u>35.012</u>, Subsection (f) prevails. - Repeals 36.101(a-1) Any rule of a district that discriminates between land that is irrigated for production and land that was irrigated for production and enrolled or participating in a federal conservation program is void. - Repeals 36.104 PURCHASE, SALE, TRANSPORTATION, AND DISTRIBUTION OF WATER. A district may purchase, sell, transport, and distribute surface water or groundwater. - Repeals 36.1072(g) eliminating appeal bw gcd management plan and state water plan - Repeals 36.108(d)(5) re consideration of subsidence - Repeals 36.113(f), (h), and (i) re PERMITS, AND PERMIT AMENDMENTS ISSUED IN ACCORDANCE WITH SECTION 36.1146, MAY BE ISSUED SUBJECT TO THE RULES PROMULGATED BY THE DISTRICT AND SUBJECT TO TERMS AND PROVISIONS WITH REFERENCE TO THE DRILLING, EQUIPPING, COMPLETION, ALTERATION, OR OPERATION OF, OR PRODUCTION OF GROUNDWATER FROM, WELLS OR PUMPS THAT MAY BE NECESSARY TO PREVENT WASTE AND ACHIEVE WATER CONSERVATION, MINIMIZE AS FAR AS PRACTICABLE THE DRAWDOWN OF THE
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				<p>WATER TABLE OR THE REDUCTION OF ARTESIAN PRESSURE, LESSEN INTERFERENCE BETWEEN WELLS, OR CONTROL AND PREVENT SUBSIDENCE.</p> <p>(h) In issuing a permit for an existing or historic use, a district may not discriminate between land that is irrigated for production and land or wells on land that was irrigated for production and enrolled or participating in a federal conservation program.</p> <p>(i) A permitting decision by a district is void if:</p> <p>(1) the district makes its decision in violation of Subsection (h); and</p> <p>(2) the district would have reached a different decision if the district had treated land or wells on land that was irrigated for production and enrolled or participating in a federal conservation program the same as land irrigated for production.</p> <ul style="list-style-type: none"> - Repeals 36.121. LIMITATION ON RULEMAKING POWER OF DISTRICTS OVER WELLS IN CERTAIN COUNTIES. - Repeals 36.122(b), (c), (j), (m), and (n) <p>(b) A district may promulgate rules requiring a person to obtain a permit or an amendment to a permit under Section <u>36.113</u> from the district for the transfer of groundwater out of the district to:</p> <p>(1) increase, on or after March 2, 1997, the amount of groundwater to be transferred under a continuing arrangement in effect before that date; or</p> <p>(2) transfer groundwater out of the district on or after March 2, 1997, under a new arrangement.</p> <p>(c) Except as provided in Section <u>36.113</u>(e), the district may not impose more restrictive permit conditions on transporters than the district imposes on existing in-district users.</p> <p>(j) A term under Subsection (i)(1) shall automatically be extended to the terms agreed to under Subsection (i)(2) if construction of a conveyance system is begun before the expiration of the initial term.</p> <p>(m) A district may not prohibit the export of groundwater if the</p>
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				<p>purchase was in effect on or before June 1, 1997.</p> <p>(n) This section applies only to a transfer of water that is permitted after September 1, 1997.</p> <p>SECTION 30. As soon as practicable after the effective date of this Act, each groundwater conservation district shall adopt rules as necessary to implement the changes in law made by this Act.</p> <p>SECTION 31. The changes in law made by this Act apply only to an application for a permit or a permit amendment that is received by a groundwater conservation district on or after the effective date of this Act. An application for a permit or permit amendment that is received before the effective date of this Act is governed by the law in effect on the date the application is received, and that law is continued in effect for that purpose.</p> <p>SECTION 32. The changes in law made by this Act apply only to a suit involving a groundwater conservation district that is filed on or after the effective date of this Act. A suit filed before the effective date of this Act is subject to the law in effect on the date the suit is filed, and that law is continued in effect for that purpose.</p>
SB 1528	Creighton	Referred to SAWR committee (3-21-17)		<p>Amends 36.108</p> <p>(b-1)The management area planning group consists of:</p> <p>(1)the district representatives as voting members;</p> <p>and</p> <p>(2) the members added to the group under Subsection (b-2).</p> <p>(b-2) The district representatives may add a voting or non-voting member to the management area planning group by a written resolution adopted by a two-thirds vote of the district representatives. The resolution must describe the scope of voting authority for each member added to the management area planning group.</p> <p>They can be part of stakeholder group etc., but no one should be on GMA that can't be sued for the adopted DFCs</p>

				<i>Identical to HB 3043 by Workman</i>
SB 1529	Creighton	Referred to SAWR committee (3-21-17)	Monitor	Requires the Geo-Technology Research Institute to do groundwater models, research and analysis
SB 1814	Hinojosa	Referred to SAWR committee (3-23-17)		<i>Identical to HB 3084 by Keough</i> Amends Chapter 36, Water Code, to allow the owner of a parcel of land greater than 1,000 acres and included in the territory of 2 or more GCDs to request the GCDs transfer portions of their territories as necessary for the entire parcel to be included in the territory of a single district. Outlines process for contents and actions on petitions.
				<i>Identical to HB 4122 by Kacal</i>