

BILL	AUTHOR	STATUS	ACTION REQUESTED	COMMENTS
HB 31	Larson	Senate rec'd from House (4-26-17)	Consider a Position	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	House passed to engrossment (4-25-17); Referred to SAWR committee (5-3-17)	Support	Restructures state auditor's audit of GCDs to financial only
HB 645	Lucio	Referred to HNR committee (2-22-17)	Resource DEAD	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</u> a retail public utility <u>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 <u>assigned</u> 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	Resource	Section 36.116(c), Water Code, is amended to read as follows: (c) In regulating the production of groundwater based on tract size

		HNR committee (3-15-17)	DEAD	<p>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 <u>assigned</u> [provided] by Section 13.002.</p> <p><i>Requires GCDs to use utility's service area's water rights for production acreage requirements.</i></p>
HB 2215	Price	Passed the House; Received in the Senate	Support	<p>Updates DFC timeline in Ch. 16.053 and 36.108, Water Code</p> <p><i>Similar to SB 1312 by Miles</i></p>
HB 2377	Larson	Passed the House (5-3-17)	Consider a Position	<p>Brackish bill Concern how TWDB's ability to set DFC on brackish zone affects GCDs' management and DFCs</p> <p>Also, although TWDB sets brackish DFC, the GCD is the one that gets sued for takings, etc.</p>
HB 2378	Larson	Passed the House (4-26-17); Received in the Senate	Support	<i>Identical to SB 774 by Perry</i>
HB 3025	King	Passed the House; Received in the Senate	Support	<p>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</p>
HB 3028	Burns	Left pending in HNR S/C (4-10-17)	Monitor DEAD	<p>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</p>

				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 3037	Workman	Left pending in HNR committee (5-3-17)	Strongly Engaged DEAD	Creates GMA across complete aquifers---setting up for groundwater authorities like river authorities; Amends DFC process to reflect aquifer wide DFCs
HB 3038	Workman	Left pending in HNR committee (5-3-17)	Engaged DEAD	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	Voted out of HNR as substituted and sent to Calendars	Strongly Engaged DEAD	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 <i>Identical to SB 1528 by Creighton</i>
HB 3084	Keough	Left pending in HNR committee (5-3-17)	Monitor DEAD	Requires the Geo-Technology Research Institute to do groundwater models, research and analysis <i>Identical to SB 1529 by Creighton</i>
HB 3166	Lucio	Passed to engrossment (5-6-17)	Consider a Position	Relating to the consideration of modeled sustainable groundwater pumping in the adoption of desired future conditions in groundwater conservation districts
HB 3417	King, T	Passed House (5-4-17); Recd. by the Senate (5-8-17)	Engaged Consider a Position	Relating to the criteria considered by groundwater conservation districts before granting or denying a permit
HB 3497	Burns	Left	Monitor	Relating to a groundwater conservation district's use of electronic fund

		pending in HNR committee (5-3-17)	DEAD	transfers <i>Identical to SB 865 by Perry</i>
HB 3991	Larson	Placed of House General State Calendar for 5-8-17		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)	<i>Identical to SB 1009 by Perry</i>
HB 4045	Cortez	Referred to HNR committee (4-3-17)	DEAD	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 <i>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”</i> Sections 36.113-36.1132, 36.114-36.114, and 36.116 do not apply to permits issued 2 pursuant to this section.
HB 4050	Larson	Referred to HNR committee (3-27-17)	DEAD	Same export language as in his HB 31
HB 4122	Kacal	Passed House 5/5/17 w/ amendment	Consider a Position	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. Transfer to District w/ highest taxable value; Both districts must agree on the transfer <i>Identical to SB 1814 by Hinojosa</i>
HB 4162	Larson	Referred to HNR committee (3-31-17)	DEAD	Amends 36.122. No separate export permit, issue export permit same as operating permit
HB 4164	Larson	Referred to HNR committee (3-31-17)	DEAD	Notice and hearing requirement for max. 90-day moratoriums
HB 4166	Larson	Referred to HNR committee (3-31-17)	DEAD	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	Left pending in HNR committee (4-19-17)	DEAD	Sunset review for Lone Star and Middle Pecos
SB 189	Uresti	Referred to SAWR committee (1-25-17)	Support EFFECTIVELY DEAD	Requires TCEQ and RRC notice to GCDs regarding different types of injection well permit applications
SB 774	Perry	Left pending in SAWR committee (5-1-17)	Support EFFECTIVELY DEAD	Section 36.122, Water Code, is amended by adding Subsections (j-1) and (j-2) and amending Subsection (k) to read as follows: <u>(j-1) A term under Subsection (i) or (j) shall automatically be extended on or before its expiration:</u> <u>(1) to a term that is not shorter than the term of an operating</u>

				<p>permit for the production of water to be transferred that is in effect at the time of the extension; and</p> <p>(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.</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><i>Identical to HB 2378 by Larson</i></p>
SB 862	Perry	Passed Senate as amended; Recd. in House (5-3-17)	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”); Amended - \$250,000 cap on attorney fees</p>
SB 865	Perry	House rec'd from Senate (4-4-17) Referred to HNR (5-4-17)	Monitor	<p>Relating to a groundwater conservation district's use of electronic fund transfers.</p> <p><i>Identical to HB 3497 by Burns</i></p>
SB 1009	Perry	Passed Senate and left pending in HNR	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>

		(5-3-17)		<i>Identical to HB 4017 by Larson</i>
SB 1053	Perry	Left pending in SAWR committee (4-3-17)	Opposed (work with Perry) – agreed to pull down and look at it next session EFFECTIVELY DEAD	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 EFFECTIVELY DEAD	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)	Consider a Position	Relating to the deadline for adoption of desired future conditions in groundwater conservation districts. <i>Similar to HB 2215 by Price</i>
SB 1392	Perry	Left pending in SAWR committee (4-10-17)	Consider a Position	Section 2 amends §36.0015(b) adds requirement GCDs must have “similar” rules Section 4 amends §36.020(a) to reduce tax rate cap from 50 to 37.5 cents Section 5 amends §36.051 to ban river authority representative or employees to serve as GCD director Section 7 amends §36.101 regarding adoption of rules to: <ul style="list-style-type: none"> • strike consideration of “all groundwater use and needs” and the “public interest in conservation, preservation, etc. under the Texas Constitution” • says cannot discriminate based on prior use (?) or where groundwater is proposed to used (strikes protection of CRP land) Section 8 amends §36.1071 to strike requirement to report in Management Plan the District surface water supply and total water demand in the District under the State Water Plan Section 9 amends §36.108 (DFCs) to <ul style="list-style-type: none"> • require the districts in a management area to delineate

				<p>the boundaries of each subdivision of a groundwater reservoir and TWDB shall assist, if requested.</p> <ul style="list-style-type: none"> - district can only consider conditions (deletes “uses”) that differ substantially from one geographic area to another. Therefore, can only consider “science”, but not political boundaries, uses, needs, socioeconomic impacts, etc. - shall report to TWDB the surface level boundaries of subdivision of groundwater reservoir by metes and bounds and maintain delineations in each district office. <ul style="list-style-type: none"> • DFC considerations: deletes consideration of aquifer uses, socioeconomic impacts • different DFCs can only be adopted for each subdivision of a groundwater reservoir, not political boundaries (not county or district lines). • DFCs must be approved by 2/3 s of representatives of districts overlying the applicable subdivision (not whole GMA) • must adopt DFCs by 90th day after public comment period closes. Must produce explanatory report not later than 180 days after public comment period closes. But must submit explanatory report to TWDB 120 days after public comment period?? (180 and 120 days??) <p>Section 12 amends §36.113(d) to add to permit consideration that each well meets spacing and production rules. Deletes whether the application is consistent with the management plan.</p> <p>Section 13 amends §36.1131(b) to add to permit language that conditions placed on rate and amount of withdrawal have to be in district rules adopted under 36.116</p> <p>Section 15 amends §36.1132 to require each district overlying a subdivision of a groundwater reservoir to “manage jointly”</p>
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				<p>groundwater production and:</p> <ul style="list-style-type: none"> • adopt “similar rules on the spacing of water wells and groundwater production as provided by Section 36.116” • monitoring and sharing groundwater conditions at least every two years • preparing a report on DFC achievement in the 1 year period after collecting the monitoring data • participating in a “joint groundwater management hearing” if the DFC achievement report indicates the DFCs are not being achieved [is this a misunderstanding that “achieving” the DFCs is NOT necessarily a good thing??] This hearing must be held during the DFC public comment period and must consider: <ol style="list-style-type: none"> (1) executive administrator ’s estimate of the current and projected amount of groundwater produced in the subdivision of a groundwater reservoir under exemptions granted by district rules and Section 36.117; (2) amount of groundwater authorized under permits previously issued by the districts overlying the subdivision of a groundwater reservoir; (3) the potential amount and frequency of use of groundwater in the subdivision of a groundwater reservoir; (4) an estimate of the amount of groundwater that is actually produced from each district in the subdivision of a groundwater reservoir under permits issued by the districts [district]; and (5) yearly precipitation and production patterns. <p>By the 2nd anniversary of the final DFC adoption, and every five years thereafter, district representatives in a management area shall develop a report that identifies and compares the rules adopted by</p>
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				<p>each district over each subdivision of a groundwater reservoir located in the management area and identifies the differences in rules based on DFC factors and provides justifications for differences.</p> <p>Section 16 amends §36.114 to require a permit for:</p> <ol style="list-style-type: none"> (1) drilling a new or replacement well; (2) increasing the instantaneous peak production rate of a well or well system permit; (3) increasing the authorized annual production volume of a well or well system permit; and (4) changing the designated use of water produced under an existing well or well system permit <p>Requires to determine if administratively complete within 60 days of receiving application</p> <p>Section 17 amends §36.116(b) to strike the permissive preservation of historic use; but instead requires to maintain well spacing or (?) groundwater production allocation to existing wells.</p> <ul style="list-style-type: none"> · How does this affect “historic” wells? If it requires District to eliminate historic permits, then violates Article 1, Section 17 Constitution prohibiting retroactive laws. Even though Section 34 of bills says only apply to prospective permit applications, does it catch them in permit renewals? · Does this require GCDs to grandfather all existing groundwater production? <p>amends §36.116(c) to require all GCDs over a subdivision of a groundwater reservoir to “adopt similar rules for regulation of groundwater production under 36.1132(b)”.</p>
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				<p>Also strikes ability for GCDs to adopt different rules for each aquifer or subdivision and geographic area.</p> <ul style="list-style-type: none"> · <i>Does this affect ability to adopt management zones, such as Panhandles curtailment rule to enforce the DFC?</i> <p>In regulation production, a GCD shall select a method based on property rights and science only (no consideration of uses, needs, State Water Plan, socio-economic)</p> <p>STRIKES selection of using contiguous surface acreage for production limits??</p> <p>Section 18 amends §36.122 to state that export permits cannot be more restrictive</p> <p style="padding-left: 40px;">Strikes the 3-year requirement to begin construction</p> <p>Section 21 amends §36.207 to strike use of export fees for any purpose of GCD and limits use of export fees to monitoring, modeling, etc. of groundwater reservoirs resources only.</p> <p>Section 22 amends §36.4051 to state that a Board can only grant special conditions in a permit if the applicant agrees to the conditions beforehand</p> <p>Section 24+ amends several GCDs enabling acts amends Colorado County GCD enabling act to apply 36.104 to it (when it is currently prohibited) which allows district to purchase, sale, transport, and distribute surface water or groundwater. Why?— b/c repeals 36/104 in Section 31.</p> <p>Section 31 repeals definition of “evidence of historic use” repeals CRP protection</p>
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				<p>repeals §36.104 to it which allows district to purchase, sale, transport, and distribute surface water or groundwater</p> <p>repeals §36.1072(g) allowing petition to TWDB regarding conflict between GCD management plan and State Water Plan</p> <p>repeals §§36.113(e), (f), (h), (j) allows any permit amendments or changing rules to be restrictive on all new permit applications</p> <p>repeals §36.121</p> <p>repeals § 36.122(b), (c), (j), (m), and (n) regarding export permits</p> <p>Section 32 GCDs must make required changes by 9/1/2019</p> <p>Section 34 Changes in law apply only to an application for a permit or a permit amendment that is received by GCD on or after bills effective date.</p> <p>-but does it catch all permits on renewal application?</p> <p>Section 35The 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.</p>
SB 1528	Creighton	<p>Referred to SAWR committee (3-21-17)</p> <p>No action taken in committee (5-1-17)</p>	EFFECTIVELY DEAD	<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> <p><i>Identical to HB 3043 by Workman</i></p>
SB 1529	Creighton	Referred to SAWR	Monitor	Requires the Geo-Technology Research Institute to do groundwater models, research and analysis

		committee (3-21-17)	EFFECTIVELY DEAD	<i>Identical to HB 3084 by Keough</i>
SB 1814	Hinojosa	Referred to SAWR committee (3-23-17)	EFFECTIVELY DEAD	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>