

**Bills We Love**

✓ [SB 77](#) – Ellis Relating to the development of a climate adaptation plan by certain entities. Directs State Agencies, including the Department of Agriculture, Texas Commission on Environmental Quality (TCEQ), Government Land Office (GLO), TWDB and TPWD to adopt plans that will identify, minimize, and adequately prepare for the effects of climate change based upon prescribed scientific data. Directs designated Agencies to post a climate adaption plan on a publicly accessible Internet website and electronically submit a copy of the plan to certain State officials, including the presiding officer of each standing committee or subcommittee of the legislature with primary jurisdiction over environmental matters and the executive director of the TCEQ.

✓ [SB 78](#) – Ellis Relating to the matters to be considered in developing the state water plan. Stipulates that the State Water Plan must include an assessment of the best available science related to trends in factors affecting future water availability, including precipitation, evaporation, storage capacity, and environmental flow needs; and future water use, including technologies for water conservation, purification, and reuse. The bill also states that due consideration shall be given to the best available science related to forecasting future water availability, the environmental flow standards and environmental flow set-asides adopted by the commission.

This bill broadens the inclusion of new water conservation technologies as best management practices in the best management practices guide, and provides for regular review and updates of the water conservation best management practices guide. The bill directs water suppliers and irrigation districts to review and, if necessary, update drought contingency plans every five years and requires significant providers of potable water to submit drought contingency plans and an evaluation of the effectiveness of strategies in the plan that were implemented by the supplier or district during any period of significant drought that occurred in the preceding five years.

✓ [SB 234](#) - Zaffirini Relating to the creation and operation of a park and recreation district in counties that share a border on the San Marcos River and to the authority of the district to collect fees; creating an offense and providing penalties. This bill allows Hays and Caldwell counties to create a Water Oriented Recreation District to improve, equip, maintain, finance, and operate a public park located in the district contingent upon prescribed citizen participation and approval by the county commissioners and the voters of those counties. The board of the WORD may adopt reasonable rules and ordinances applicable to collection of District fees; littering and litter abatement including the possession and disposition of plastic and glass containers; activities that endanger the health and safety of persons or property; and tenants, business privileges, concessionaires, users, and activities affecting district property and facilities, including hunting, fishing, boating, camping, tubing, swimming, and conservation of natural resources and is empowered to acquire land for the purposes of conservation. The district does not have the power of eminent domain.

✓ [SB 253](#) - Ellis / [HB 3088](#) Alvarado Relating to applications for permits issued by the Texas Commission on Environmental Quality for certain new or expanded facilities in certain low-income and minority communities. These bills require reporting on public health impacts for new facilities located in certain low-income and minority communities.

✓ [SB 329](#) – Hinojosa / [HB 928](#) – Guillen Relating to state and local planning for and responses to drought. These bills direct Council to the Texas Water Development Board to monitor new drought response technologies for possible inclusion by the board as best management practices in the best management practices guide.

✓ [SB 413](#) - Seliger Relating to qualifications for membership on the Texas Water Development Board. Under this bill, one the three appointed members of the Texas Water Development Board must have expertise in production agriculture rather than law or business. The bill also stipulates that at least one member of the TWDB must come from a rural county with a population of less than 155,000.

✓ [SB 517](#) - Uresti Relating to notice of an application for a permit to drill an injection well in the territory of a groundwater conservation district. Under this legislation if the TCEQ receives an application for a permit for an injection well the proposed location of which is within a 10-mile radius of the territory of a groundwater conservation district, the commission shall require the applicant to submit with the application documentation showing that a copy of the application has been submitted to the governing body of the groundwater conservation district.

✓ [SB 551](#) - Seliger Relating to the duty of the Water Conservation Advisory Council to submit a report and recommendations regarding water conservation in this state. The required report submitted by Water Conservation Advisory Council must include recommendations for legislation to advance water conservation in this state.

✓ [SB 636](#) - Zaffirini Relating to the creation of a task force to evaluate recreational use of rivers. Establishes and defines make up of Recreational River Use Task Force for the purpose of assessing the effects of recreational use of rivers on state and local economies, environmental health, and water quality, with a focus on areas of heavy recreational use. GEAA supports the intent of SB 636 and approves of the specified participants in the Task Force, including the director of the Texas State University Meadows Center for Water and the Environment.

✓ [SB 991](#) – Rodríguez Relating to a requirement that the General Land Office and the Texas Water Development Board conduct a study regarding the use of wind and solar power to develop and desalinate brackish groundwater.

✓ [SB 992](#) - Rodriguez - Relating to recovery of costs for pilot programs to measure energy savings that result from water conservation programs. This bill would allow an electric utility, in conjunction with a municipally owned water utility, to design and implement a pilot program to measure energy savings achieved as a result of the implementation of one or more water conservation programs administered

by the water utility. The electric utility may recover reasonable costs for the program through its energy efficiency cost recovery factor in addition to the costs the electric utility would have otherwise recovered through the energy efficiency cost recovery factor.

✓ [SB 1597](#) – Kolkhorst / [HB 1925](#) – Geren Relating to the transfer of the Texas Farm and Ranch Lands Conservation Program to the Parks and Wildlife Department. This bill facilitates the purchase and donation of conservation easements.

✓ [HB 163](#) – Larson Relating to interstate cooperation to address regional water issues. This bill calls for the creation of a Southwestern States Water Commission that would be charged with facilitating interstate cooperation to help resolve regional water issues. The Commission would advise the Governor and Legislature, and would consist of six commissioners: two appointed by the Governor, two by the Lt. Governor, and two by the Speaker of the House. The commissioners will be tasked with sitting down with representatives from Oklahoma, Louisiana, New Mexico and Arkansas, as well as representatives from the government of Mexico, to discuss several water related issues. The Southwestern States Water Commission will also serve as a regional incubator of ideas regarding how to augment water supplies using innovation and emerging technology, including but not limited to Aquifer Storage and Recovery (ASR), desalination and weather modification.

✓ [HB 417](#) – Pickett Relating to information regarding the storage of certain hazardous chemicals; providing penalties. This bill would improve safety standards at facilities that warehouse ammonium nitrate.

✓ [HB 632](#) – Simpson Relating to the planning and funding of water projects to be constructed in a region other than the region proposing the project. In case of interregional conflict in Regional Water Plans, HB 632 requires that at least 2/3 of the members of the regional water planning group for the disputed area consent the inclusion of the proposal in the plan.

✓ [HB 835](#) – Larson Relating to research, development and utilization of brackish groundwater resources. Accords Brackish Water Desalination studies and research status equal to Sea Water Desalination; identifies brackish groundwater management zones that may be used to reduce reliance on fresh groundwater, specifying conditions to prevent adverse impacts; and directs studies regarding water transport, brine disposal, pretreatment, and innovative concentrate management strategies; and sets conditions for the designation of a Brackish Groundwater Management Zone and for permitting within that Zone.

✓ [HB 928](#) - Guillen Relating to state and local planning for and responses to drought. This bill directs Council to the Texas Water Development Board to monitor and develop strategies for responding to drought and monitor new drought response technologies for possible inclusion by the board as best management practices in the TWDB best management practices guide recommend methodologies for conducting drought contingency plan evaluations.

- ✓ [HB 930](#) - Doug Miller Relating to water well drillers and pump installers; authorizing fees  
This bill will enhance appropriate regulation and oversight of water well drillers and pump installers and require establishment of apprentice programs that should assist in the training of water well drillers and pump installers. It gives the Texas Department of Licensing & Regulation (TDLR) the authority to establish a Field Operations Program to leverage existing resources for oversight of water well drillers and pump installers; requires TDLR to establish an apprentice water well driller program and an apprentice pump installer program; requires a driller to supervise the recompletion, perforation, or conversion of an oil or gas well to a water well; and authorizes TDLR to enter into a memorandum of agreement (MOA) with another political subdivision to carry out its enforcement activities.
- ✓ [HB 949](#) - Lucio III Relating to the obligation of certain retail public utilities to mitigate their system water loss. On the request of a retail public utility, the Texas Water Development Board may waive the funding eligibility requirements for water loss ratio if the board finds that the utility is satisfactorily addressing the utility's system water loss.
- ✓ [HB 950](#) - Lucio III Review of Groundwater Districts by State Auditor  
This bill would abolish management review of groundwater districts by the State Auditor's Office, recognizing TCEQ oversight, but continue the Auditor's review of the financial transactions of groundwater districts.
- ✓ [HB 1016](#) – King, Tracy O. Relating to the designation of certain river or stream segments as being of unique ecological value. This bill designates portions of the Nueces, Frio, Sabinal, San Marcos, and Comal rivers within Region L as being of unique ecological value. Designation means only that a state agency or political subdivision of the state may not finance the actual construction of a reservoir in the designated segment, excepting projects designated as alternatives in the 2011 and 2016 Region L Water Plans. Also excepts construction, operation, and maintenance of weirs, water diversion, flood control, drainage, water supply systems, low water crossings, or recreational facilities.
- ✓ [HB 1088](#) – Marquez Relating to the establishment of the Texas Technical Center for Innovative Desalination at The University of Texas at El Paso in partnership with The University of Texas at San Antonio Establishes a Texas Technological Center for Innovation and Desalination jointly with UT El Paso and UT San Antonio.
- ✓ [HB 1183](#) - Shaheen Adding the following to the list of requirements a department must fulfill before it can enter into a comprehensive development agreement: The department must get an order of approval from the county commissioners court of every county containing part of the project. The rule also applies for every county containing a turnpike project that is the subject of the comprehensive development agreement.
- ✓ [HB 1192](#) - Isaac Relating to permissible uses of graywater for domestic use Amending [§ 341.039](#) of the health and safety code so that the standards adopted by TCEQ must permit the use of graywater for toilet and urinal flushing.

✓ [HB 1221](#) - Lucio III Presenting the Seller's Disclosure Notice mandatory for the sale of property. It demands that the seller list all electric appliances, water hookups, fire equipment, as well as disclose any known defects in the property. It specifically requires that all 1 and 2 family units have properly installed smoke detectors. The bill also provides a laundry list of special conditions affecting the property (such as fault lines or location in the 100-year floodplain) that the seller must disclose. The seller must also disclose any construction done without proper permits, known violations of deed restrictions, any illegal rainwater harvesting systems, or if any of the property is located within a groundwater conservation district. Lastly, a seller must disclose if the property is located within 1,000 feet of the Gulf of Mexico's mean high tide.

✓ [HB 1228](#) - Lucio III Extending a municipality's ability to provide public securities or loans under Chapter 1502 of the Government Code to include Water Conservation Infrastructure. It defines water conservation infrastructure to include any property, interests, activities, services, or operations owned or contracted through a municipality found to conserve, preserve, or treat the municipality's water. It further states that a municipality may fund water conservation infrastructure if it is found to further the municipality's economy, water conservation efforts, and the operation of local utility systems. It also establishes the order of any liens on a water conservation infrastructure project, as well as how the revenue from such projects may be distributed. The mayor of the municipality must record all such projects that are funded and managed under this system, including a detailed report of any public money spent or securities issued. Any member of the tax paying public or holder of a public security may bring an action for nonperformance of this section in the district court in which the municipality is located.

✓ [HB 1248](#) - Lucio III Amending § [36.001](#) of the water code, the bill defines "operating permit" as any permit issued by the district for the operation or production from a well. It also subjects all groundwater district's considerations for permits to Sections 36.1145 and 36.1146. The considerations include conformity of application, effect on existing permits, proposed use, and applicant's agreement to avoid waste and protect groundwater quality. The amendment also subjects the district's ability to hold a hearing on permits to § 36.1145. It also states that a district shall renew or approve a permit without a hearing if the applicant fulfills the laundry list of elements. If an amendment of an existing permit is requested, the existing permit remains in effect until either the conclusion of the amendment process or a final settlement or adjudication. It also gives the district the authority to initiate the amendment process.

✓ [HB 1501](#) - Guillen Relating to a study concerning the presence and effects of plastic microbeads in water in the state. This bill would address problems associated with "plastic microbeads", nonbiodegradable solid plastic particles measuring five millimeters or less in size that is intentionally added to a cosmetic or personal care products by convening a commission to conduct a study to determine the extent of the presence of plastic microbeads in water in the state; and whether the presence of plastic microbeads in water in the state causes pollution of that water. Not later than December 1, 2016, the commission shall provide to the governor, the lieutenant governor, and the

legislature a report containing: the results of the study conducted under this section; and if the commission determines that the presence of plastic microbeads in water in the state causes pollution of that water, recommendations for reducing or eliminating the pollution, including consideration of the regulation or ban of plastic microbeads in cosmetics and other personal care products.

✓ [HB 1526](#) – Farrar Relating to the construction of detention ponds by the Texas Department of Transportation. This bill would direct TxDOT to consider using a permeable surface for the detention pond and completing the detention pond in a manner that enables it to be used as green space available for wildlife and the general public.

✓ [HB 1900](#) - Rodriguez, Eddie and [SB 1581](#) – Zaffirini establish fair property tax for sustainable farmers, urban farms and community gardens. Current state law provides that land shall be appraised as qualified agricultural land if it is primarily used for agricultural use. "Agricultural use" is defined broadly, yet many local county assessors have applied it in a restrictive, narrow manner that is not consistent with the legislative language or intent. Under these restrictive applications, urban farms, vegetable farms, sustainable livestock farms, and community gardens have often been denied agricultural valuation, even when the primary purpose of the property is raising food for the community. This bill seeks to clarify the statute so that such farms and community gardens qualify for the agricultural valuation that they are entitled to.

✓ [HB 1902](#) - Howard Amending [§ 341.039](#) of the health and safety code to allow unpermitted use of less than 400 gallons of graywater if it originates at a private residence and is used there. Under current law, the graywater must be used BY THE OCCUPANTS of the residence. This amendment would allow anyone to use it as long as it doesn't leave the site. It also outlines the rules for collecting and storing graywater. The commission may 1) adopt further rules concerning graywater as long as they protect human health; 2) require the use of a backflow prevention device; and 3) provide for annual inspections. Lastly, it defines graywater, removing several domestic uses from the list.

✓ [HB 1925](#) - Geren Concerning agricultural conservation easements. Such easements can be purchased for several reasons including water quality protection and protection of flora and fauna. Such easements must be perpetual or last at least 30 years. A landowner may cancel an easement only if he submits affidavits to the commission that it is impossible to maintain the easement. If the commission denies the request to cancel, the landowner may appeal the decision to a district court. If it is cancelled, the landowner must pay the difference between the agricultural value and the fair market of the proposed use of the land. Municipalities typically cannot take land with conservation easements through eminent domain unless it decides that the city's desired plan cannot be fulfilled in any other way. The bill goes on to describe how the program is funded, the application requirements for an easement purchaser, and who may sit on the evaluation council. It concludes by stating land grants acquired by the easement program not subject to the permanent school fund may be used however the council decides is in the program's best interests, and that the program had full control over any income generated by such lands.

- ✓ [HB 2407](#) Miller, Doug / [SB 963](#) Campbell Relating to the creation of the Comal Trinity Groundwater Conservation District; providing authority to issue bonds; providing authority to impose assessments and fees - GEAA served on the Stakeholders Committee convened to craft this bill. In our opinion getting this area of the Trinity Aquifer governed by a GCD is long overdue.
- ✓ [HB 2425](#) Rodriguez / [SB 1450](#) - Ellis Relating to water quality improvement and pollution reduction through beverage container recycling incentives; assessing a fee; providing penalties; creating a criminal offense. This bill would add a chapter to the Health and Safety Code to create a Texas Beverage Container Recycling Incentive Program. The program would create a consortium to require a beverage container to have a refund value which could be collected at a "Redemption center", a manned operation or a mechanical device that accepts empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's refund value.
- ✓ [HB 2470](#) - Rodriguez of Travis Relating to liability insurance for ammonium nitrate operations; creating a criminal offense. This bill would require adequate liability coverage and regulate storage of ammonium nitrate.
- ✓ [HB 3163](#) – Cyrier Relating to filing suit against board members of groundwater conservation districts. This bill simply states that a district board member acting in his individual capacity is immune from suit and liability for actions taken on behalf of the board. The legislation is needed to protect members of groundwater conservation districts from being sued as individuals, such as the board members of the Lost Pines GWCD were when they denied the full amount of water requested by
- ✓ [HB 3405](#) – Isaac Expands the jurisdiction of the Barton Springs Edwards Aquifer Conservation District to include the areas of the Trinity Aquifer in Hays County outside of the Hays-Trinity Groundwater Conservation District, including the highly controversial Electro-Purification wells. Of the three bills filed to address the issue of the unregulated Trinity Aquifer in Hays County ([HB 3405](#), [HB 3406](#), [HB 3407](#)) we favor HB 3405 as the most elegant solution.
- ✓ [HB 3988](#) – Geren Relating to transparency in the reporting of eminent domain authority and the creation of an eminent domain database. This bill would require the State Comptroller create and make accessible on the Internet an eminent domain database with information regarding public and private entities, including common carriers, authorized by the state by a general or special law to exercise the power of eminent domain which includes the name of the entity; the provision of law or laws that grants the entity eminent domain authority; the geographic territory subject to the entity's eminent domain authority; the effective date of the entity's eminent domain authority inception, and if applicable, termination; and the entity's Internet website address or, if the entity does not operate an Internet website, contact information to enable a member of the public to obtain information from the entity; requiring annual updates.
- ✓ [HR 1824](#) Frank Requesting the speaker to direct the House Committee on Natural Resources to conduct an interim study on the interconnectivity of Texas water resources.

✓ [HR 1826](#) - Frank Requesting the speaker to direct the House Committee on Natural Resources to conduct an interim study relating to the effects of evaporation on Texas water resources.

### **Bills We Hate - Bills that threaten local control**

✗ [SB 343](#) - Huffines Relating to the conformity of local law with state law

This bill give elected officials in Austin ultimate supremacy over cities and towns, effectively ending all types of local control. The bill could retroactively strip enforcement of local ordinances such as San Antonio's, Austin's, and San Marcos' aquifer protection and tree preservation ordinances, forcing cities to rely on the less stringent TCEQ rules and also, in theory, could affect neighborhood zoning (e.g. the placement of nightlife establishments), public safety (e.g. setting speed limits), and quality of life measures (e.g. indoor smoking bans), just to name a few examples.

✗ [HB 3620](#) by Isaac – Relating to the acquisition of real property by a municipality. This bill would require a municipality purchasing property in another jurisdiction to get authorization for the purchase from that jurisdiction and to waive its right to exempt property taxes or pay an equal amount in lieu of property taxes. If passed bill would negatively impact programs by San Antonio and Austin to purchase land for aquifer protection.


✗ [SB 1673](#) - Huffines Relating to the preemption of a local law by state law. The bill states that a local government shall not adopt or enforce a local ordinance, rule, or regulation that conflicts with, is more stringent than, or is inconsistent with a state law, rule, regulation, permit, or a license and waives local government immunity from lawsuits and liability.


✗ [SB 1806](#) - Estes Relating to limits on the regulatory authority of a municipality. This bill would specifically prohibit municipalities from banning the provision or sale of a single-use or carry-out paper or plastic bag or requiring the payment of a fee for a single-use or carry-out paper or plastic bag.

✗ [HB 540](#) - P. King Initiative and Referendum This bill would apply only to a home rule city that has initiative and referendum provisions in the city charter. The bill would provide that: (1) before ordering an election as required by charter, the city shall submit a measure proposed by petition to enact a new ordinance or repeal an existing ordinance to the attorney general; (2) the attorney general shall, not later than the 90th day after submission: (a) determine whether any portion of the proposed measure would violate the Texas or federal constitution, a state statute, or a rule adopted as authorized by state statute; (b) determine whether passage of the measure would cause a governmental taking of private property for which the Texas or federal constitution would require compensation to be paid to the property owner; and (c) advise the city of its determinations; (3) the city may not hold an election on the proposed measure if the attorney general has determined that any portion of the proposed measure would violate the Texas or federal constitution or a state statute or rule or would cause a governmental




taking of private property; and (4) to the extent that the requirements of the bill conflict with a charter provision requiring the city to order an election within a period following receipt of a petition, the bill controls and the period during which the city must order the election is extended to the extent necessary to comply with the bill.

 [HB 1760](#) - Geren Relating to maximum penalties for certain environmental violations. This bill would prevent local governments from protecting their citizens and the environment from negligent and reckless behavior by placing strict limits on environmental damages.

 [HB 1794](#) - Geren Relating to maximum penalties for certain environmental violations. This bill imposes standards that would effectively prevent local governments from protecting their citizens and the environment from careless, negligent, reckless, and even grossly negligent behavior.

HB 1760 and 1794 would radically change existing law to require that local governments (and the state, in actions filed by local governments) prove a bad actor's criminal intent in civil cases seeking civil penalties – never the law in Texas. Under existing law, local governments are empowered to seek civil penalties from anyone who “causes, suffers, allows, or permits” pollution in Texas. The “cause/suffer/allow” standard is characteristic of laws designed to protect public health and the environment because the legislature has recognized the importance of creating an ironclad incentive for responsible and careful conduct when protecting public health and the environment. Proof of criminal intent, or that a defendant acted “knowingly or intentionally” – terms of art in law requiring proof of a much higher level of intent, care, or knowledge – has never been required. Besides being very difficult to prove in environmental cases, that standard would leave local governments and the state, as a necessary party in local government actions, powerless to penalize a person responsible for careless, negligent, reckless, or even grossly negligent conduct resulting in air, water, solid waste, or hazardous waste pollution or public harm, no matter how serious.

### **Bills We Hate – Bills that would compromise the Contested Case Hearings Process**

 [HB 1865](#) - Morrison / [SB 709](#) – Frazer Relating to environmental permitting procedures for applications filed with the Texas Commission on Environmental Quality. Under these bills affected residents would bear the burden of proving that an application should be denied. Shifting the burden of proof imposes significant costs upon the public to perform fact-finding and engage experts simply to protect themselves from injury.

SB 709 and HB 1865 create unjustified limits on public participation by residents and associations by requiring an affected resident to file comments on an issue himself or herself, even though the resident may not have received notice of the application during end of comment period, may not have had access to information on the issue, may not have received notice of the application during end of comment period, or may not have understood the complex permitting process.

The bills would make it easier for the TCEQ to deny an impartial hearing by refusing to acknowledge that a person will be potentially impacted by a permit and would impose procedural requirements, such as particular language in an organization's purpose statement, that further enable TCEQ to deny a hearing based on minor technicalities. These requirements inhibit the ability of local communities to participate in TCEQ decisions to form groups to fight a polluting facility that may not have adopted a specific enough charter or bylaws during the relatively short period when the Executive Director is making a decision on the permit, or may not have even organized yet during the initial public comment period.

**X** [HB 1113](#) – Clardy / [SB 941](#) – Creighton Relating to the standard of review for a determination of standing in a contested case hearing conducted by the Texas Commission on Environmental Quality. These bills would make it easier for the TCEQ to refuse to acknowledge that persons are potentially impacted by a permit and limit judicial review of the TCEQ's decision on denying "affected person" status.

**X** [HB 1247](#) – Smith Relating to presumptions in contested case hearings regarding certain environmental permit applications


This bill transfers burden of proof to the affected person, and place even higher burden of proof on affected parties than SB 709 & HB1865. Affected persons would have to prove show that the polluting facility (1) would violate a specific state, federal or technical requirement; or, (2) intentionally withheld or misrepresented information.


### **We Oppose**


**X** [SB 360](#) - Estes Relating to regulatory takings, redefines "takings" as any governmental action or series of actions within a ten year period that are cause of at least a 20 % reduction of revenue or income from the use or sale of the affected real private property, determined by comparing the revenue or income from the use or sale of the property as if the governmental action is not in effect and the revenue or income from the use or sale of the property determined as if the governmental action is in effect. This bill would also nullify ordinances in the ETJ, such as San Antonio's water quality ordinance, that are not identical to regulations within City Limits.


**X** [SB 456](#) - Burton / [HB 2015](#) - Crownover Relating to establishing a uniform one-half mile extraterritorial jurisdiction limit for municipalities. If this bill passes all municipalities, regardless of size, would be restricted from establishing ETJ's greater than ½ mile from City Limits. This bill would reduce the ETJ of municipalities with populations over 100,000 from 3 ½ miles to ½ mile.


**X** [SB 912](#) – Eltife / [HB 2051](#) - Crownover Relating to a volume-based exemption from reporting requirements for certain accidental discharges or spills from wastewater facilities. Although an improvement over 2013's [HB 824](#) and [SB 584](#), we are concerned about diminishing reporting requirements for facilities within close proximity to the Edwards Aquifer Recharge Zone.


 [SB 1785](#) - Campbell Relating to governmental actions affecting the use or value of private property. This bill broadens the definition of “takings” by removing determination of vested rights status by municipalities if the legislature finds that a real property owner has a vested right in property uses that is protected under the constitution of this state.


 [HB 40](#) – Darby / [SB 1165](#) – Fraser Relating to the exclusive jurisdiction of this state to regulate oil and gas operations in this state and the express preemption of local regulation of those operations. This bill would strip local governments and other political subdivisions of their authority to implement common-sense health and safety protections. We are particularly concerned that under this bill the Edwards Aquifer Authority would not be able to regulate disposal, including injection wells, within their jurisdiction.

 [HB 190](#) – Burkett Relating to the regulatory analysis of rules proposed by the Texas Commission on Environmental Quality. This bill would impose costly and burdensome analysis in rulemaking on the Texas Commission on Environmental Quality.

 [HB 200](#) – Keffer Relating to the regulation of groundwater. This bill amends the long-standing policy that groundwater districts are the State’s preferred method of groundwater management. We are concerned about the establishment of a revised appeals process for determination of “desired future conditions” for aquifers and the creation of a role for TWDB to play in appeals of groundwater district permitting decisions.

 [HB 1442](#) – Workman Relating to a property owner’s right to remove a tree or vegetation that the owner believes poses a fire risk. This bill restricts local tree preservation ordinances in a manner that can be broadly interpreted to allow for clear cutting.

 [HB 1472](#) - Workman Relating to the enforcement of requirements for the issuance of local permits by regulatory agencies of political subdivisions. This bill would compromise a municipality’s ability to enforce local ordinances by adding liability for actual damages and of attorney’s fees if it is found in a civil action that a political subdivision has violated Chapter 245 of the Local Government Code.

 [HB 2595](#) – Keffer Relating to the use of municipal initiative and referendum to restrict property rights. This bill would strip citizens of the power to initiate and vote on ordinances that interfere with an individual’s use of his or her property. This bill is written so broadly that we believe that it would have prohibited the citizens of Austin from passing the SOS Ordinances had it been in effect. This bill further provides that a person whose rights are affected by a violation of this section may sue for injunctive relief to enforce this section. GEAA believes it is essential to reserve the rights of citizens to enact reasonable ordinance through the process of initiative and referendum to protect our natural resources.

**X** [HB 2647](#) – Ashby Relating to a limitation on the authority to curtail groundwater production from wells used for power generation or mining. This bill restricts groundwater conservation districts from being able to curtail groundwater production from wells used for power generation or mining. Groundwater districts need to have the ability to adjust production levels based on aquifer conditions and to meet “desired future conditions” and sustain aquifers.

**X** [HB 3298](#) – Larson Relating to a study conducted by the Texas Water Development Board regarding the development of a market and conveyance network for water in this state. We agree with the Lone Star Chapter of the Sierra Club that *“such a study would focus the attention of the state away from what is needed first and foremost to meet our state’s water challenges and because the prospect of a massive market and conveyance network to move water around the state poses threats to protection of the environment and undermines the prospects for building a consensus on water policy that balances rural and urban interests.”*

**X** [HB 3620](#) - Isaac Relating to the acquisition of real property by a municipality This bill would require cities to pay property taxes for properties purchased in another jurisdiction. Under this bill, counties could charge the City of San Antonio full property taxes on properties purchased for aquifer protection **under** San Antonio’s Edwards Aquifer Protection Plan.

**X** [HB 3876](#) - Workman Relating to the issuance of local permits by a regulatory agency of a political subdivision; limiting the amount of a fee. This bill amends Chapter 245 of the Local Government Code to require mandatory mediation on development permitting decisions and allows for attorneys' fees and court costs if the developer prevails in a mandamus lawsuit.

### **Bills to Watch**

[HB 2179](#) – Lucio III Relating to hearings that concern the issuance of permits by a groundwater conservation district.

[SB 854](#) – Zafirini Relating to the renewal or amendment of certain permits issued by groundwater conservation districts.

[SB 1038](#) – Rodriguez / [HB 2879](#) – Gonzalez, Mary Relating to a study by the General Land Office regarding the feasibility of creating a mechanism by which a governmental entity could acquire small parcels of real property in an area and convey them to a developer in order to ensure the property is developed in compliance with model subdivision rules.

[HB 30](#) – Larson Relating to the development of brackish groundwater

[HB 655](#) – Larson Relating to the storage and recovery of water in aquifers; authorizing fees and surcharges.

[HB 961](#) Farias | Rodriguez, Justin | Martinez Fischer | Larson | Gutierrez Relating to the exemption of certain school district property from certain infrastructure fees charged for the control of excess water or storm water.

[HB 1662](#) Relating to the exemption of certain property from municipal drainage service charges.

[HB 2805](#) – Frank Relating to the priority applicable to certain interbasin transfers of water.

[HB 2892](#) - Murr Relating to the procedure by which the Texas Commission on Environmental Quality may designate a watercourse as navigable.

[HB 4175](#) Relating to eminent domain powers of certain conservation and reclamation districts.

[HB 1146 Kacal](#): Allowing licensed operators of water supply systems to be volunteers if the owner or manager of the supplier maintains records of volunteer activities and contact information, and if the volunteer holds a registration issued by the commission under Chap. 37. Also sets a December 15, 2015 deadline for TCEQ to adopt rules implementing § [341.033](#) and [341.034](#), Health and Safety Code.

[HB 1856 Isaac](#) Defining an operating permit for drilling and producing water from a district, and laying out criteria the district shall consider in granting or denying a permit application. Criteria includes application conformity, affects on existing ground and surface water, beneficial use, district's management plan, Hill Country Priority Groundwater Management Areas, avoiding waste, and water quality. It also lays out the procedure of permit hearings and board meetings for new permits or amendments. Existing permits are to be renewed without a hearing unless the permittee has violated district rules, failed to pay fees, or failed to comply with a court order. If a permit amendment is filed, the existing permit stays in effect until a final decision has been made. If amendment is denied, the existing permit stays in effect. A district may initiate the amendment process.

[HB 1919 Phillips](#) Prevents the import, possession, or placement of harmful fish or shellfish into state waters without a permit. Does not apply to political subdivisions or municipal utilities.

[HB 1118 Shofield](#) Stating that each person whose primary residence is in this state is entitled to complete information about the government's affairs and the official acts of public officials and their employees. Such information is available during the normal business hours of the governmental body. If a request is made, the governmental body may, but is not required to, comply with the request. A requester must provide proof of residency within 10 days after the body demands it. The body may only make inquiry into the requestor for identity and residency purposes, and they must treat all requestors equally regardless of position or association with the press.

[SB 450 Schwertner](#) Dealing with a political subdivision's liability for land acquired through foreclosure of a lien or bid off to the subdivision under the Tax Code. It does not apply to claims that arise after the land was acquired by the subdivision, but before it conveys it, if the claim arises from the land's

condition, a premise defect, or an action committed by someone not an agent of the subdivision. It applies only to claims arising on or after the bill's enactment.

[HB 1153 Turner of Collin](#) Repealing Water Code § 11.085 (s) and (t), which state the following:

(s) Any proposed transfer of all or a portion of a water right under this section is junior in priority to water rights granted before the time application for transfer is accepted for filing.

(t) Any proposed transfer of all or a portion of a water right under this section from a river basin in which two or more river authorities or water districts created under Section [59](#), Article XVI, Texas Constitution, have written agreements or permits that provide for the coordinated operation of their respective reservoirs to maximize the amount of water for beneficial use within their respective water services areas shall be junior in priority to water rights granted before the time application for transfer is accepted for filing.

[HB 1183 Shaheen](#) Adding the following to the list of requirement's a department must fulfill before it can enter into a comprehensive development agreement: The department must get an order of approval from the county commissioners court of every county containing part of the project. The rule also applies for every county containing a turnpike project that is the subject of the comprehensive development agreement.

[HB 163 Larson](#) Slightly amending the authority of the Southwestern States Water Commission. It is to be an advisory commission to the governor and the legislator. The bill lays out how members of the commission are chosen and for how long they shall serve. The commission is to be made up of 6 appointees: 2 from the governor, 2 from the Lt. Governor, and 2 from the Speaker of the House. The primary purpose of the committee will be to confer with others states and Mexico to address regional water problems and design potential compacts.

[HB 1222 Lucio III](#) Removing Water Code § 15, Subchapters F,J, and O from the list of political subdivisions the Texas Water Development Board may provide assistance for water supply projects for.

[Lucio III HB 1223](#) Changing the language of § 20.012 of the Water Code to read that the Texas Water Resources Finance Authority shall be composed of the members of the development board, and the board may hold a special meeting at the request of the chairman or a majority of the board.

[SB 1101](#) Eltife Relating to the authority to determine the supply of groundwater in certain regional water plans.

[HB 1925](#) Relating to the transfer of the Texas Farm and Ranch Lands Conservation Program to the Parks and Wildlife Department.