

## **BILL ANALYSIS**

S.B. 864  
By: Perry  
Natural Resources  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties note that some applicants for obtaining a water right may not be aware of certain groundwater conservation district regulations with which the applicant must comply with respect to a water right permit. S.B. 864 seeks to address this issue by revising provisions relating to the procedure for obtaining a right to use state water, including related notice requirements.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 864 amends the Water Code to include among the information the Texas Commission on Environmental Quality (TCEQ) is required to provide in a notice of an application for a permit to use state water any proposed alternative source of water, other than state water, identified by the applicant. The bill includes among the entities to whom TCEQ is required to mail a copy of notice of action on such an application taken without holding a public hearing each groundwater conservation district with jurisdiction over the proposed groundwater production if the applicant proposes to use groundwater from a well located within a groundwater conservation district as an alternative source of water. The bill specifies that the general description of the source of supply from which an appropriation is proposed to be made that is required to be contained in a permit includes any alternative source of water that is not state water.

S.B. 864 specifies that the source of supply TCEQ is required to identify in a notice of an application for a permit to use water from an exempt dam or reservoir for a nonexempt purpose includes any proposed alternative source of water, other than state water, identified by the applicant. The bill requires notice that identifies groundwater from a well located in a groundwater conservation district as a proposed alternative source of water to be sent to the groundwater conservation district in which the well is located and published, at least 20 days before the date stated in the notice for the hearing, in a newspaper having general circulation in each county in which the groundwater district is located.

### **EFFECTIVE DATE**

September 1, 2017.