

Amend Floor Amendment No. 2 to **CSSB 738** as follows:

(1) On page 2, lines 1-14, of Floor Amendment No. 2, amend proposed Subdivision (3) to Subsection (h) to Section 36.113, Water Code, to read as follows:

(3) for an electric utility, a power generation company, or retail electric provider as defined by Section 31.002, Utilities Code, issue a permit based on the amount actually used as computed under and for the period established under Subsection (g) or Subdivision (1) of this subsection.

(2) On page 2, between lines 17 and 18, of Floor Amendment No. 2, insert the following new Subsection (j) to Section 36.113, Water Code, to read as follows:

(j) In issuing a permit for existing or historic use, a district may not discriminate against land or wells on land enrolled or participating in the federal conservation reserve program. Notwithstanding any provision to the contrary in this chapter, a district that adopts rules related to the protection of existing or historic use which authorize a person who participated in the federal conservation reserve program during a period established by the district under Subsection (g) to establish existing or historic use based upon the person's groundwater production during a reasonable period of time established by the district prior to the person entering the federal conservation reserve program shall not be considered discriminatory against such a person for purposes of this chapter.

(3) On page 5, at the end of line 6, of Floor Amendment No. 2, insert the following new Subsection (d) to the unnumbered Section of the bill that begins on page 4, line 4, of Floor Amendment No. 2 to read as follows:

(d) Notwithstanding Subdivision (3) of Subsection (h) of Section 36.113, Water Code, as added by this Act, a district that issues permits based on existing or historic use under Section 36.113(e) or Section 36.116(b), Water Code, and implements Subsection (g) of Section 36.113, Water Code, may issue an electric utility, a power generation company, or retail electric provider as defined by Section 31.002, Utilities Code, a permit based on an amount necessary to annually provide sufficient groundwater for

cooling, boiler make-up, and potable purposes for use at an existing or planned power generation facility using land or the right to produce groundwater from land that was acquired by the electric utility, power generation company, or retail electric provider before May 1, 2003, to supply water to power generation facilities that on that date existed or were planned for future construction.