

By: Armbrister

S.B. No. 1377

Substitute the following for S.B. No. 1377:

By: Hardcastle

C.S.S.B. No. 1377

A BILL TO BE ENTITLED

AN ACT

1
2 relating to landowners of groundwater whose land is enrolled or
3 participating in a government conservation program.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 36.002, Water Code, is amended to read as
6 follows:

7 Sec. 36.002. OWNERSHIP OF GROUNDWATER. The ownership and
8 rights of the owners of the land and their lessees and assigns in
9 groundwater are hereby recognized, and nothing in this code shall
10 be construed as depriving or divesting the owners or their lessees
11 and assigns of the ownership or rights, except as those rights may
12 be limited or altered by rules promulgated by a district. A rule
13 promulgated by a district may not discriminate against owners of
14 land or their lessees and assigns whose land is enrolled or
15 participating in the federal conservation reserve program.

16 SECTION 2. Section 36.101(a), Water Code, is amended to
17 read as follows:

18 (a) A district may make and enforce rules, including rules
19 limiting groundwater production based on tract size or the spacing
20 of wells, to provide for conserving, preserving, protecting, and
21 recharging of the groundwater or of a groundwater reservoir or its
22 subdivisions in order to control subsidence, prevent degradation of
23 water quality, or prevent waste of groundwater and to carry out the
24 powers and duties provided by this chapter. During the rulemaking

1 process the board shall consider all groundwater uses and needs and
2 shall develop rules that [~~which~~] are fair and impartial and do not
3 discriminate between land in production and land enrolled or
4 participating in the federal conservation reserve program.

5 SECTION 3. Section 36.113, Water Code, is amended by adding
6 Subsection (h) to read as follows:

7 (h) In issuing a permit for an existing or historic use, a
8 district may not discriminate against land or wells on land
9 enrolled or participating in the federal conservation reserve
10 program. If a district adopts rules related to the protection of
11 existing or historic use, any land in a federal conservation
12 reserve program shall be treated as having an existing and historic
13 use.

14 SECTION 4. (a) This Act takes effect September 1, 2003.

15 (b) Except as provided by Subsection (c) of this section,
16 the change in law made by this Act to Section 36.002, Section
17 36.101(a), and Section 36.113, Water Code, applies to all rules
18 adopted by a groundwater conservation district on or after the
19 effective date of this Act.

20 (c) The change in law made by this Act to Section 36.002,
21 Section 36.101(a), and Section 36.113, Water Code, does not apply
22 to rules adopted by the Edwards Aquifer Authority.