

By: Armbrister

S.B. No. 1377

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

(a) A district may make and enforce rules, including rules limiting groundwater production based on tract size or the spacing of wells, to provide for conserving, preserving, protecting, and recharging of the groundwater or of a groundwater reservoir or its subdivisions in order to control subsidence, prevent degradation of water quality, or prevent waste of groundwater and to carry out the 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 which are fair and impartial and that do not
3 discriminate between land in production and land enrolled or
4 participating in a government 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 that has
9 been enrolled or participating in a government program.

10 SECTION 4. This Act takes effect September 1, 2003, and
11 applies only to a permit for an existing or historic use that is
12 issued on or after that date. A permit for an existing or historic
13 use that is issued before the effective date is governed by the law
14 in effect at the time the permit was issued, and the former law is
15 continued in effect for that purpose.