

1-1 By: Armbrister S.B. No. 1377
1-2 (In the Senate - Filed March 13, 2003; March 19, 2003, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 22, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 1; April 22, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1377 By: Armbrister

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to landowners of groundwater whose land is enrolled or
1-11 participating in a government conservation program.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 36.002, Water Code, is amended to read as
1-14 follows:

1-15 Sec. 36.002. OWNERSHIP OF GROUNDWATER. The ownership and
1-16 rights of the owners of the land and their lessees and assigns in
1-17 groundwater are hereby recognized, and nothing in this code shall
1-18 be construed as depriving or divesting the owners or their lessees
1-19 and assigns of the ownership or rights, except as those rights may
1-20 be limited or altered by rules promulgated by a district. A rule
1-21 promulgated by a district may not discriminate against owners of
1-22 land or their lessees and assigns whose land is enrolled or
1-23 participating in a government program.

1-24 SECTION 2. Subsection (a), Section 36.101, Water Code, is
1-25 amended to read as follows:

1-26 (a) A district may make and enforce rules, including rules
1-27 limiting groundwater production based on tract size or the spacing
1-28 of wells, to provide for conserving, preserving, protecting, and
1-29 recharging of the groundwater or of a groundwater reservoir or its
1-30 subdivisions in order to control subsidence, prevent degradation of
1-31 water quality, or prevent waste of groundwater and to carry out the
1-32 powers and duties provided by this chapter. During the rulemaking
1-33 process the board shall consider all groundwater uses and needs and
1-34 shall develop rules which are fair and impartial and that do not
1-35 discriminate between land in production and land enrolled or
1-36 participating in a government program.

1-37 SECTION 3. Section 36.113, Water Code, is amended by adding
1-38 Subsection (h) to read as follows:

1-39 (h) In issuing a permit for an existing or historic use, a
1-40 district may not discriminate against land or wells on land
1-41 enrolled or participating in a government program.

1-42 SECTION 4. (a) This Act takes effect September 1, 2003.

1-43 (b) Except as provided by Subsection (c) of this section,
1-44 the change in law made by this Act to Section 36.002, Subsection
1-45 (a), Section 36.101, and Section 36.113, Water Code, applies to all
1-46 rules adopted by a groundwater conservation district before, on, or
1-47 after the effective date of this Act.

1-48 (c) The change in law made by this Act to Section 36.002,
1-49 Subsection (a), Section 36.101, and Section 36.113, Water Code,
1-50 does not apply to rules adopted by the Edwards Aquifer Authority.

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