

BILL ANALYSIS

H.B. 2423
By: Puente
Natural Resources
Committee Report (Amended)

BACKGROUND AND PURPOSE

Most states treat farms participating in federal conservation programs as "active" for purposes of farm program benefits. In Texas, however, some groundwater districts treat farms participating in federal conservation programs as inactive for the purpose of issuing permits based on historic use. H.B. 2423 prohibits a groundwater conservation district from discriminating against a farm participating in a federal conservation program, such as the U.S. Department of Agriculture's (USDA's) Conservation Reserve Program.

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

SECTION 1. Defines "federal conservation program" as the Conservation Reserve Program of USDA, or any successor program.

SECTION 2. Amends Section 36.002, Water Code, to prohibit a groundwater district from promulgating rules that discriminate between owners of land irrigated for production and owners, lessees, or assignees of land participating in a federal conservation program.

SECTION 3. Amends Section 36.101(a), Water Code, to specify that a district, in making rules limiting groundwater production, may not develop rules that discriminate between land irrigated for production and land participating in a federal conservation program. The section also specifies that any district rule discriminating between land irrigated for production and land participating in a federal conservation program is void.

SECTION 4. Amends Section 36.113, Water Code, to prohibit a district from discriminating between land irrigated for production and land participating in a federal conservation program in issuing a permit for an existing or historic use. The section also specifies that a permitting decision by a district is void if:

- the district makes a permitting decision that discriminates between land irrigated for production and land participating in a federal conservation program; and
- the district would have reached a different decision if it had treated land participating in a federal conservation program the same as land irrigated for production.

The section requires that, upon application by an affected landowner, lessee, or assignee, a district must reconsider a decision rendered void under Section 36.113(i), Water Code and base its decision on the equal treatment of land participating in a federal conservation program and land irrigated for production. The district must render its reconsidered decision and notify the applicant within 90 days of receiving the application.

SECTION 5. Deleted by Committee Amendment No. 1.

EFFECTIVE DATE

H.B. 2423 takes effect on September 1, 2005.

H.B. 2423 79(R)

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1 modified H.B. 2423 by deleting a provision that would have required a groundwater conservation district to amend any rules enacted before the bill's effective date that become void under the bill.