

By: Muñoz

H.B. No. 5365

A BILL TO BE ENTITLED

AN ACT

relating to groundwater production restrictions imposed by certain conservation and reclamation districts for wells used wholly or partly for cemetery irrigation.

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

SECTION 1. Chapter 714, Health and Safety Code, is amended by adding Section 714.005 to read as follows:

Sec. 714.005. LIMITATION ON POWER TO RESTRICT GROUNDWATER PRODUCTION FOR WELL USED WHOLLY OR PARTLY FOR CEMETERY IRRIGATION.

(a) In this section:

(1) "Cemetery" and "cemetery organization" have the meanings assigned by Section 711.001.

(2) "District" means any district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, that has the authority to regulate the spacing of water wells, the production from water wells, or both.

(b) Notwithstanding any contrary provision in Chapter 36, Water Code, or a special law governing a district, a district may not restrict the production of groundwater from a well used wholly or partly to irrigate a cemetery:

(1) during drought conditions, to an amount less than 80 percent of the total amount the district authorizes for production during non-drought conditions; or

(2) based on the availability of surface water or an

1 alternative water supply for irrigation.

2 (c) A district may not assess a fee or other charge against a
3 cemetery or cemetery organization instead of limiting groundwater
4 production for cemetery irrigation.

5 SECTION 2. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2025.