

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1377
By: Armbrister
Natural Resources
4/17/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, a majority of states treat crop reserve program farms as “active” farms for all purposes of farm program benefits. However, some underground water districts in Texas are attempting to treat farms in federal crop reserve programs as non-active farms for the purpose of water allocations insofar as validation permits and exportation permits are concerned. C.S.S.B. 1377 prohibits an underground water conservation district from discriminating against farms within the district because the farms are in federal crop reserve program. Furthermore, the bill provides that this prohibition does not apply to the Edwards Aquifer Authority.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 36.002, Water Code, to prohibit a rule promulgated by a water district from discriminating against owners of land or their lessees and assigns whose land is enrolled or participating in a government program.

SECTION 2. Amends Section 36.101(a), Water Code, to require the board of a water district (board) during the rulemaking process to consider all groundwater uses and needs and to develop rules which are fair and impartial and that do not discriminate between land in production and land enrolled or participating in a government program.

SECTION 3. Amends Section 36.113, Water Code, by adding Subsection (h), to prohibit a district, in issuing a permit for an existing or historic use, from discriminating against land or wells on the land enrolled or participated in a government program.

SECTION 4. (a) Effective date: upon passage or September 1, 2003.

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

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