

BILL ANALYSIS

Senate Research Center

H.B. 2423
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Natural Resources
5/14/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

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 Conservation Reserve Program.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to a groundwater conservation district is modified in SECTION 2 (Section 36.002, Water Code) and SECTION 3 (Section 36.101, Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 36.001, Water Code, by adding Subdivision (4-a), to define "federal conservation program."

SECTION 2. Amends Section 36.002, Water Code, to prohibit a rule promulgated by a groundwater conservation district (district) from discriminating between owners of land that is irrigated for production and owners of land or their lessees and assigns whose land is enrolled or participating in a federal conservation program.

SECTION 3. Amends Section 36.101(a), Water Code, as follows:

(a) Requires the board of directors of a district (board) to consider all groundwater uses and needs and to develop rules which are fair and impartial and that do not discriminate between land that is irrigated for production and land enrolled or participating in a federal conservation program during the rulemaking process. Provides that any rule of a district that discriminates between land that is irrigated for production and land enrolled or participating in a federal conservation program is void.

SECTION 4. Amends Section 36.113, Water Code, by adding Subsections (h) and (i), as follows:

(h) Prohibits a district, in issuing a permit for an existing or historic use, from discriminating between land that is irrigated for production and land or wells on land enrolled or participating in a federal conservation program.

(i) Sets forth situations in which a permitting decision by a district is void.

SECTION 5. Requires the Hudspeth County Underground Water Conservation District No. 1, no later than the 90th day after the effective date of this Act, to amend to bring into compliance with Sections 36.002 and 36.101(a), Water Code, as amended by this Act, any rule enacted before the effective date of this Act that is void under Section 36.101(a), Water Code, as amended by this Act.

SECTION 6. (a) Provides that except as provided by Section 5 and Subsection (b) of this section, the changes in law made by this Act apply only to a rule adopted by a district on or after the effective date of this Act or to a permit issued or an application filed pursuant to a rule adopted on or after the effective date of this Act.

(b) Sets forth the applications and permits for which the changes in law made by this Act apply.

SECTION 7. Effective date: September 1, 2005.