

BILL ANALYSIS

H.B. 2300
By: Gallego
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Jeff Davis County Underground Water Conservation District (the district) was created in 1993. The district has been regulated by the Texas Water Code since creation and would like to be exempt from Section 36.121 of the Texas Water Code. Chapter 36 of the Texas Water Code states that districts must regulate and govern every consumer in the district on an equal basis. However, since the district was created in 1993, Section 36.121 has not allowed them to treat every customer equally and enforce conservation measures mandated by the legislature.

In addition, Section 36.121 does not allow the district to develop fair and impartial rules or consider all groundwater uses and needs. The district also has a spacing rule on all new wells they cannot enforce due to the provision and a production limit on all wells that make over 25,000 gallons per day which also cannot be enforced. Further, the district has the power to set production fees and transportation fees, but Section 36.121 only allows them to impose those fees on certain users. The district would like to be exempt from 36.121 in order to be better able to provide for the conservation, preservation, protection, and recharging of groundwater.

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. Section 5, Chapter 641, Acts of the 73rd Legislature, Regular Session, 1993, is amended by providing that Section 36.121, Texas Water Code, does not apply to the district.

EFFECTIVE DATE

September 1, 2003