

## **BILL ANALYSIS**

S.B. 1065  
By: Madla  
Natural Resources  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current law does not allow the Presidio County Underground Water Conservation District (UWCD/district) to regulate the two largest municipalities in the district. These two municipalities are now pumping around 1,662 acre feet per year and are expected to pump 2,857 acre feet per year by 2060. One of the main concerns of the district is conservation. However, conservation is hindered by the district's inability to regulate its two largest users.

A provision in the Water Code states that during the rulemaking process the board of directors of a district is required to consider all groundwater uses and needs and develop rules which are fair and impartial. However, Section 36.121 (Limitation on Rulemaking Power of Districts Over Wells in Certain Counties), Water Code, prevents the district from doing this.

Further, the district has the powers to set production fees but Section 36.121, Water Code, only allows for the imposition of fees on certain users. Also, the district requires metering on all production wells in order to gather data on aquifers. The two largest units do not have to install meters, preventing accurate information and conservation by Presidio County UWCD.

The Presidio County UWCD was formed in August, 1999. The district's mission is to develop, promote and implement water conservation and management strategies to protect all water resources for the benefit of the economy, citizens, and the environment of the district.

As proposed, S.B. 1065 exempts the district from Section 36.121, Water Code, to allow it to provide for the conservation, preservation, and protection of the aquifers within the district for all users.

### **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. Amends Section 10, Chapter 453, Acts of the 73rd Legislature, Regular Session, 1993, by adding Subsection (c), to provide that Section 36.121 (Limitation on Rulemaking Power of Districts Over Wells in Certain Counties), Water Code, does not apply to the Presidio County Underground Water Conservation District.

SECTION 2. Effective date: September 1, 2005.

### **EFFECTIVE DATE**

September 1, 2005.