

BILL ANALYSIS

Senate Research Center
80R2280 HLT-F

S.B. 2019
By: Uresti
Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Chapter 36 (Groundwater Conservation Districts), Water Code, states that underground water districts are required to treat all consumers in the district the same. This chapter requires the board of directors of a groundwater conservation district, during the rulemaking process, to consider all groundwater uses and needs and to adopt rules which are fair and impartial, but Section 36.121 (Limitation on Rulemaking Power of Districts Over Wells in Certain Counties), Water Code, limits the Presidio County Underground Water Conservation District's (district) ability to do so by exempting certain wells. District rules regarding spacing on new wells, metering on certain production wells, and the power to set production and transportation fees are limited and unenforceable because Section 36.121, Water Code, exempts certain wells. Furthermore, district rules requiring all production wells to be metered so that the district can monitor what is being taken from the aquifer and compare static wells cannot be fully enforced because the two largest users in the district cannot be regulated due to Section 36.121, Water Code. From the four entities serving cities in West Texas, the district is only authorized to regulate the two smallest, which account for less than one-tenth of the water being pumped for municipalities covered. Exempting the district from Section 36.121, Water Code, would more fully allow the district to provide for the conservation, preservation, protection, recharging, and prevention of waste of groundwater.

As proposed, S.B. 2019 provides that Section 36.121, Water Code, does not apply to the Presidio County Underground Water Conservation District in order to let the district treat all water users the same.

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 5, Chapter 453, Acts of the 73rd Legislature, Regular Session, 1993, by adding Subsection (c), as follows:

(c) Provides 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, 2007.