

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 7, 2025

The Honorable Dan Patrick
Lieutenant Governor of Texas
Capitol Station
PO Box 12068
Austin, Texas 78711

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution.

Senate Bill (SB) 3044, as Filed by Senator Cesar Blanco-relating to the composition of the board of directors and the powers of the Presidio County Underground Water Conservation District.

Dear Governor Patrick:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor, and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

Senate Bill 3044 provides changes to the Presidio County Underground Water Conservation District by amending Chapter 453, Acts of the 73rd Legislature. The bill updates district powers by clarifying that Section 36.121 of the Water Code does not apply to the district. The bill increases the board size from five to seven directors and introduces two new appointments, one by the governing body of the City of Marfa and another by the governing body of the City of Presidio. It also clarifies vacancy procedures and specifies that appointing entities are responsible for successor appointments before term expiration. The bill provides that the district will continue to retain all previously granted rights, powers, privileges, authority, duties, and functions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kim Nygren".

Kim Nygren, Deputy Director
Water Availability Division

cc: The Honorable Paul Bettencourt, Chairman, Senate Committee on Local Government
Senator Cesar Blanco, Texas Senate

LETTER OF TRANSMITTAL
TEXAS SENATE
STATE OF TEXAS

SB 3044

Bill Number

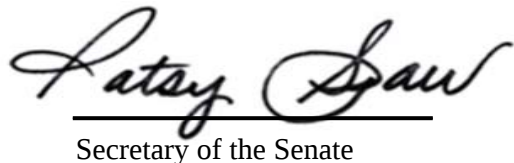
TO: The Honorable Governor of Texas

SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

4/10/2025

Date transmitted to
Governor's Office



Secretary of the Senate

TO: Texas Commission on Environmental Quality

SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to conservation and reclamation district and a copy of the notice of intention to introduce the bill.

April 10, 2025

Date transmitted to
Texas Commission on Environmental Quality



Governor

TO: The Honorable President of the Senate
The Honorable Speaker of the House of Representatives
The Honorable Governor of Texas

SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.



Texas Commission on Environmental Quality

By: Blanco

S.B. No. 3044

A BILL TO BE ENTITLED

AN ACT

relating to the composition of the board of directors and the powers of the Presidio County Underground Water Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 5, Chapter 453, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

SECTION 5. POWERS. (a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 50 and 52, Water Code, applicable to groundwater [~~underground water~~] conservation districts created under Article XVI, Section 59, of the Texas Constitution. This Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

(b) The rights, powers, privileges, authority, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas [~~Water~~] Commission on Environmental Quality.

(c) Section 36.121, Water Code, does not apply to the district.

SECTION 2. Section 6, Chapter 453, Acts of the 73rd Legislature, Regular Session, 1993, is amended by amending Subsections (a), (g), and (h) and adding Subsections (d-1) and (d-2) to read as follows:

(a) The district is governed by a board of seven [~~five~~]

1 directors.

2 (d-1) One member of the board shall be appointed by the
3 governing body of the City of Marfa.

4 (d-2) One member of the board shall be appointed by the
5 governing body of the City of Presidio.

6 (g) A ~~[If there is a]~~ vacancy on the board shall be filled
7 for the unexpired term in the same manner provided for the
8 appointment of the position ~~[, the commissioners court of Presidio~~
9 ~~County, as appropriate, shall appoint a director to serve the~~
10 ~~remainder of the term]~~.

11 (h) An appointing entity ~~[The commissioners court of~~
12 ~~Presidio County, as appropriate,]~~ shall appoint a director to
13 succeed a director appointed by that entity on or before the date
14 the director's term expires.

15 SECTION 3. Section 6(e), Chapter 453, Acts of the 73rd
16 Legislature, Regular Session, 1993, is repealed.

17 SECTION 4. (a) The legal notice of the intention to
18 introduce this Act, setting forth the general substance of this
19 Act, has been published as provided by law, and the notice and a
20 copy of this Act have been furnished to all persons, agencies,
21 officials, or entities to which they are required to be furnished
22 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
23 Government Code.

24 (b) The governor, one of the required recipients, has
25 submitted the notice and Act to the Texas Commission on
26 Environmental Quality.

27 (c) The Texas Commission on Environmental Quality has filed

1 its recommendations relating to this Act with the governor, the
2 lieutenant governor, and the speaker of the house of
3 representatives within the required time.

4 (d) All requirements of the constitution and laws of this
5 state and the rules and procedures of the legislature with respect
6 to the notice, introduction, and passage of this Act are fulfilled
7 and accomplished.

8 SECTION 5. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2025.

AFFIDAVIT OF PUBLICATION

See Proof on Next Page

The Big Bend Sentinel
Drawer P
(432) 729-4342

I, Cameron Monfared, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of The Big Bend Sentinel, a publication that is a "legal newspaper" as that phrase is defined for the city of Marfa, for the County of Presidio, in the state of Texas, that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

PUBLICATION DATES:
Mar. 6, 2025

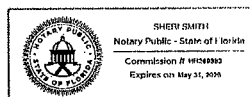
Notice ID: tiPkuE2QaBynEXETATy8
Notice Name: Notice of Intention to Introduce Bill

PUBLICATION FEE: \$118.52

I declare under penalty of perjury that the foregoing is true and correct.

Cameron Monfared

Agent



VERIFICATION

State of Florida
County of Broward

Signed or attested before me on this: 03/12/2025

S. Smith

Notary Public
Notarized remotely online using communication technology via Proof.

NOTICE OF INTENTION TO INTRODUCE A BILL

NOTICE is hereby given of the intention to apply to the 89th Legislature of the State of Texas, Regular Session to be held in 2025, for the introduction of a bill, the substance of the contemplated law being as follows:

An Act relating to the make-up of the Board of Directors and the applicability of Section 36.121 of the Texas Water Code related to the rulemaking power over wells by the Presidio County Underground Water Conservation District.

THIS NOTICE is given in accordance with the requirements of Section 59 of Article XVI of the Texas Constitution, and said legislation will find that said requirements have been met. The costs of this notice were paid by the Presidio County Underground Water Conservation District.