

## **BILL ANALYSIS**

Senate Research Center

H.B. 3037  
By: Walker (Staples)  
Natural Resources  
5/10/2001  
Committee Report (Amended)

### **DIGEST AND PURPOSE**

Current law provides only minimum guidelines regarding the ability of groundwater conservation districts (district) to regulate the spacing and production of wells. As a result, districts must do their best to interpret what latitude they have in regard to regulating wells and enforcing those regulations. H.B. 3037 provides more explicit guidelines.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to a district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution in SECTION 1 (Section 36.116, Water Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 36.116, Water Code, as follows:

Sec. 36.116. REGULATION OF SPACING AND PRODUCTION. (a) Authorizes a district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution (district) by rule, to regulate the spacing of water wells and the production of groundwater by certain requirements and limitations.

(b) Authorizes the district, in promulgating any rules limiting groundwater production, to preserve historic use prior to the effective date of these rules to the maximum extent practicable consistent with the district's comprehensive management plan under Section 36.1071.

(c) Authorizes a district, in regulating the production of groundwater based on tract size or acreage, to consider the service area of a retail water utility. Provides that for purposes of this subsection, "retail water utility" is required to have the meaning provided at Section 13.002 of this code.

SECTION 2. Effective date: upon passage or September 1, 2001.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1. Amends proposed Section 36.116, Water Code by amending Subsection (a), striking and replacing previously proposed Subsection (b), and adding a new proposed Subsection (c).