

## **BILL ANALYSIS**

Senate Research Center  
78R4759 QS-D

H.B. 2300  
By: Gallego (Madla)  
Natural Resources  
5/10/2003  
Engrossed

### **DIGEST AND PURPOSE**

The Jeff Davis County Underground Water Conservation District (district) was created in 1993. The district has been regulated by the Texas Water Code since its creation and would like to be exempt from Section 36.121 of the Texas Water Code, which imposes limitations on the rulemaking power of districts in certain counties. The district has a spacing rule on all new wells which it 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 it 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. H.B. 2300 provides that Section 36.121, Water Code, does not apply to the district.

### **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 641, 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 Jeff Davis County Underground Water Conservation District.

SECTION 2. Effective date: September 1, 2003.