A BILL TO BE ENTITLED

AN ACT

relating to the classification of the use of water for purposes of
fees and regulations imposed by the Edwards Aquifer Authority.

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

SECTION 1. Section 1.03, Article I, Act of May 30, 1993,
73rd Leg., R.S., ch. 626, 1993 Tex. Gen. Laws 2353, is amended by
adding new subdivisions (26) and (27) to read as follows:

(26) "Agricultural use" means the use of water for irrigation,
horticulture, or for the raising of livestock.

(27) "Non-agricultural use" means the use of water for any
other use than irrigation, horticulture, or raising livestock.

SECTION 2. This Act takes effect immediately if it receives
a vote of two thirds of all the members elected to each house, as
provided in Section 39, Article III, Texas Constitution. If this
Act does not receive the vote necessary for immediate effect, then
this Act takes effect September 1, 2001.
By King of Uvalde

Substitute the following for H.B. No. 3404:

By King of Uvalde

C.S.H.B. No. 3404

A BILL TO BE ENTITLED

AN ACT

relating to the classification of the use of water for purposes of fees and regulations imposed by, and the repeal of certain statutes applicable to, the Edwards Aquifer Authority.

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

SECTION 1. Section 1.03, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended by adding Subdivisions (26), (27), and (28) to read as follows:

(26) "Agricultural use" means use for irrigation, horticulture, or raising livestock.

(27) "Non-agricultural use" means use for any purpose other than irrigation, horticulture, or raising livestock.

(28) "Horticultural products" means nursery, floral, and greenhouse plants or plant products produced from seeds, rootings, cuttings, tissue cultures, seedlings, or other propagation materials and grown in the soil or in containers by a nursery grower as defined by Section 71.041, Agriculture Code.

SECTION 2. Section 1.11(h), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is repealed.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.
COMMITTEE REPORT

The Honorable James E. "Pete" Laney
Speaker of the House of Representatives

Sir:

We, your COMMITTEE ON NATURAL RESOURCES
to whom was referred HB 3404 have had the same under consideration and beg to report
back with the recommendation that it

(  ) do pass, without amendment.
(  ) do pass, with amendment(s).
(  ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

(  ) yes (  ) no A fiscal note was requested.
(  ) yes (  ) no A criminal justice policy impact statement was requested.
(  ) yes (  ) no An equalized educational funding impact statement was requested.
(  ) yes (  ) no An actuarial analysis was requested.
(  ) yes (  ) no A water development policy impact statement was requested.
(  ) yes (  ) no A tax equity note was requested.

(  ) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor ______________________
Joint Sponsors: ______________________ ______________________
Co-Sponsors: ______________________ ______________________

The measure was reported from Committee by the following vote:

<table>
<thead>
<tr>
<th>AYE</th>
<th>NAY</th>
<th>PNV</th>
<th>ABSENT</th>
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</tbody>
</table>

Counts, Chair
King, Vice-Chair
Cook
Corte
Hilderbrand
Hope
Lewis, R.
Puente
Walker

Total 9 aye 0 nay 0 present, not voting 0 absent

[Signature]
CHAIR
BILL ANALYSIS

Office of House Bill Analysis
By: King, Tracy
Natural Resources
4/10/2001
Committee Report (Substituted)

BACKGROUND AND PURPOSE

When the Edwards Aquifer Authority (authority) was created in the 73rd Legislative Session, it did not provide definitions for "agricultural use," "non-agricultural use," and "horticultural products." Currently, the authority charges fees for water usage. The fees for water used for agricultural purposes are calculated at different rates than those for water used for non-agricultural uses. C.S.H.B. 3404 adds the definitions of "agricultural use," "non-agricultural use," and "horticultural products," for the purpose of clarifying which rate should be charged for a particular use of water.

RULEMAKING AUTHORITY

It is the opinion of the Office of House Bill Analysis that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3404 amends law to provide the definitions of "agricultural use," "non-agricultural use," and "horticultural products" for purposes of fees and regulations imposed by the Edwards Aquifer Authority. The bill provides that "agricultural use" means the use of water for irrigation horticulture, or for the raising of livestock and "non-agricultural use" means any other use. "Horticultural products" means nursery, floral, and greenhouse plants or plant products produced from seeds, rootings, cuttings, tissue cultures, seedlings, or other propagation materials and grown in the soil or in containers by a nursery grower. The bill repeals a provision which subjects the authority to the open meetings law, the open records law, and the Administrative Procedure and Texas Register Act.

EFFECTIVE DATE

On passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2001.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 3404 differs from the original bill by adding the definition of "horticultural products" for purposes of fees and regulations imposed by the Edwards Aquifer Authority (authority). The substitute repeals a provision which subjects the authority to the open meetings law, the open records law, and the Administrative Procedure and Texas Register Act.
LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 77th Regular Session

April 8, 2001

TO: Honorable David Counts, Chair, House Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB3404 by King, Tracy (Relating to the classification of the use of water for purposes of fees and regulations imposed by, and the repeal of certain statutes applicable to, the Edwards Aquifer Authority.), Committee Report 1st House, Substituted

No fiscal implication to the State is anticipated. Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House as to its probable fiscal implication on units of local government.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JK, CL, DB
TO: Honorable David Counts, Chair, House Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB3404 by King, Tracy (Relating to the classification of the use of water for purposes of fees and regulations imposed by the Edwards Aquifer Authority.), As Introduced

No fiscal implication to the State is anticipated. Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House as to its probable fiscal implication on units of local government.

Source Agencies: 304 Comptroller of Public Accounts
LBB Staff: JK, DB
WITNESS LIST

HB 3404
HOUSE COMMITTEE REPORT
Natural Resources Committee

March 21, 2001 - 3:00PM or upon final adjourn./recess

For:    Edmondson, Eddy (Texas Nursery & Landscape Association)
         Harden Jr., James (Mortellaro's Nursery)

On:     Ellis, Greg (Edwards Aquifer Authority)
         Miller, Douglas (Doug) (Edwards Aquifer Authority)
SUMMARY OF COMMITTEE ACTION

March 21, 2001  3:00PM or upon final adjourn/recess
Considered in public hearing
Testimony taken in committee (See attached witness list.)
Committee substitute considered in committee
Referred to subcommittee
Subcommittee members named
  Chair: Lewis, Ron; Members: King, Tracy, Hope, and Puente

April 4, 2001  3:00PM or upon final adjourn/recess
Considered in public hearing
Recalled from subcommittee
Committee substitute considered in committee
Recommended to be sent to Local & Consent
Reported favorably as substituted
A BILL TO BE ENTITLED

AN ACT

relating to the classification of the use of water for purposes of fees and regulations imposed by, and the repeal of certain statutes applicable to, the Edwards Aquifer Authority.

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

SECTION 1. Section 1.03, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended by adding Subdivisions (26), (27), and (28) to read as follows:

(26) "Agricultural use" means use for irrigation, horticulture, or raising livestock.

(27) "Non-agricultural use" means use for any purpose other than irrigation, horticulture, or raising livestock.

(28) "Horticultural products" means nursery, floral, and greenhouse plants or plant products produced from seeds, rootings, cuttings, tissue cultures, seedlings, or other propagation materials and grown in the soil or in containers by a nursery grower as defined by Section 71.041, Agriculture Code.

SECTION 2. Section 1.11(h), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is repealed.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.
A BILL TO BE ENTITLED

AN ACT

relating to the classification of the use of water for purposes of fees and regulations imposed by, and the repeal of certain statutes applicable to, the Edwards Aquifer Authority.

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

SECTION 1. Section 1.03, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended by adding Subdivisions (26), (27), and (28) to read as follows:

(26) "Agricultural use" means use for irrigation, horticulture, or raising livestock.

(27) "Non-agricultural use" means use for any purpose other than irrigation, horticulture, or raising livestock.

(28) "Horticultural products" means nursery, floral, and greenhouse plants or plant products produced from seeds, rootings, cuttings, tissue cultures, seedlings, or other propagation materials and grown in the soil or in containers by a nursery grower as defined by Section 71.041, Agriculture Code.

SECTION 2. Section 1.11(h), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is repealed.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.
LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 77th Regular Session

April 8, 2001

TO: Honorable David Counts, Chair, House Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB3404 by King, Tracy (Relating to the classification of the use of water for purposes of fees and regulations imposed by, and the repeal of certain statutes applicable to, the Edwards Aquifer Authority.), Committee Report 1st House, Substituted

No fiscal implication to the State is anticipated. Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House as to its probable fiscal implication on units of local government.

Source Agencies: 304 Comptroller of Public Accounts
LBB Staff: JK, CL, DB
LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 77th Regular Session

March 19, 2001

TO: Honorable David Counts, Chair, House Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB3404 by King, Tracy (Relating to the classification of the use of water for purposes of fees and regulations imposed by the Edwards Aquifer Authority.), As Introduced

No fiscal implication to the State is anticipated. Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House as to its probable fiscal implication on units of local government.

Source Agencies: 304 Comptroller of Public Accounts
LBB Staff: JK, DB
By: King of Uvalde (Senate Sponsor - Armbrister)  H.B. No. 3404
(In the Senate - Received from the House April 30, 2001;
May 1, 2001, read first time and referred to Committee on Natural
Resources; May 11, 2001, reported adversely, with favorable
Committee Substitute by the following vote: Yeas 4, Nays 0;
May 11, 2001, sent to printer.)

COMMITTEE SUBSTITUTE FOR H.B. No. 3404  By: Barrientos

A BILL TO BE ENTITLED
AN ACT
relating to the classification of the use of water for purposes of
fees and regulations imposed by the Edwards Aquifer Authority.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Section 1.03, Chapter 626, Acts of the 73rd
Legislature, regular Session 1993, is amended by adding
Subdivisions (26) and (27) to read as follows:
(26) "Agricultural use" means any use or activity
involving any of the following activities:
(A) cultivating the soil to produce crops for
human food, animal feed, or planting seed or for the production of
fibers;
(B) the practice of floriculture, viticulture,
silviculture, and horticulture, including the cultivation of plants
in containers or nonsoil media, by a nursery grower;
(C) raising, feeding, or keeping animals for
breeding purposes or for the production of food or fiber, leather,
pelts, or other tangible products having a commercial value;
(D) wildlife management;
(E) raising or keeping equine animals; or
(F) planting cover crops, including cover crops
cultivated for transplantation, or leaving land idle for the
purpose of participating in a governmental program or normal crop
or livestock rotation procedures.
(27) "Nursery grower" means a person who grows more
than 50 percent of the products that the person either sells or
leases, regardless of the variety sold, leased, or grown. For the
purpose of this definition, "grow" means the actual cultivation or
propagation of the product beyond the mere holding or maintaining
of the item before sale or lease and typically includes activities
associated with the production or multiplying of stock, such as the
development of new plants from cuttings, grafts, plugs, or
seedlings.

SECTION 2. This Act takes effect immediately if it receives
a vote of two-thirds of all members elected to each house, as
provided by Section 39, Article III, Texas Constitution. If this
Act does not receive the votes necessary for immediate effect, this
Act takes effect September 1, 2001.

* * * * *
We, your Committee on **NATURAL RESOURCES**, to which was referred the attached measure, have on **05/08/01**, had the same under consideration and I am instructed to report it back with the recommendation (s) that it:

- do pass as substituted, and be printed
- the caption remained the same as original measure
- the caption changed with adoption of the substitute
- do pass as substituted, and be ordered not printed

and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. **\(\checkmark\)** yes ( ) no
A revised fiscal note was requested. **\(\checkmark\)** yes ( ) no
An actuarial analysis was requested. ( ) yes **\(\checkmark\)** no
Considered by subcommittee. ( ) yes **\(\checkmark\)** no

The measure was reported from Committee by the following vote:

<table>
<thead>
<tr>
<th>Senator Brown, Chairman</th>
<th>YEA</th>
<th>NAY</th>
<th>ABSENT</th>
<th>PNV</th>
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<tbody>
<tr>
<td></td>
<td>X</td>
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<tr>
<td>Senator Duncan, Vice-Chairman</td>
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<td>Senator Barrientos</td>
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<td>Senator Bernsen</td>
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<td>Senator Bivins</td>
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<td>Senator Haywood</td>
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<td>Senator Lucio</td>
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<td>TOTAL VOTES</td>
<td>4</td>
<td>3</td>
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**COMMITTEE ACTION**

- Considered in public hearing
- Testimony taken

**COMMITTEE CLERK**
**CHAIRMAN**

*Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute. Retain one copy of this form for Committee files*
BILL ANALYSIS

Senate Research Center

H.B. 3404
By: King, Tracy (Armbrister)
Natural Resources
5/6/2001
Engrossed

DIGEST AND PURPOSE

When the Edwards Aquifer Authority (authority) was created in the 73rd Legislative Session, the legislation did not provide definitions for "agricultural use," "non-agricultural use," and "horticultural products." Currently, the authority charges fees for water usage. The fees for water used for agricultural purposes are calculated at different rates than those for water used for non-agricultural uses. H.B. 3404 adds the definitions of "agricultural use," "non-agricultural use," and "horticultural products," for the purpose of clarifying which rate should be charged for a particular use of water.

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 1.03, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, by adding Subdivisions (26), (27), and (28), to define “agricultural use,” “non-agricultural use,” and “horticultural products.”

SECTION 2. Repealer: Section 1.11(h), Chapter 626 (Relating to the authority is subject to certain open meetings law), Acts of the 73rd Legislature, Regular Session, 1993.

SECTION 3. Effective date: upon passage or September 1, 2001.
BILL ANALYSIS

Senate Research Center

C.S.H.B. 3404
By: King, Tracy (Armbruster)
Natural Resources
5/10/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

When the Edwards Aquifer Authority (authority) was created in the 73rd Legislative Session, the legislation did not provide definitions for "agricultural use" and "nursery grower." Currently, the authority charges fees for water usage. The fees for water used for agricultural purposes are calculated at different rates than those for water used for non-agricultural uses. C.S.H.B. 3404 adds the definitions of "agricultural use" and "nursery grower," for the purpose of clarifying which rate should be charged for a particular use of water.

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 1.03, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, by adding Subdivisions (26) and (27), to define "agricultural use" and "nursery grower."

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

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Redefines "agricultural use" and adds new definition for "nursery grower." Deletes previously proposed definitions for "non-agricultural use" and "horticultural products."

Deletes previously proposed SECTION 2.

Renumbers SECTION 3 as SECTION 2.
LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 77th Regular Session

May 9, 2001

TO: Honorable J.E. "Buster" Brown, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB3404 by King, Tracy (Relating to the classification of the use of water for purposes of fees and regulations imposed by the Edwards Aquifer Authority.), Committee Report 2nd House, Substituted

No fiscal implication to the State is anticipated. Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies: 304 Comptroller of Public Accounts
LBB Staff: JK, CL, DB
LEGISLATIVE BUDGET BOARD  
Austin, Texas  

FISCAL NOTE, 77th Regular Session  

May 7, 2001  

TO: Honorable J.E. "Buster" Brown, Chair, Senate Committee on Natural Resources  

FROM: John Keel, Director, Legislative Budget Board  

IN RE: HB247 by Turner, Bob (Relating to the use by a person of stored water for wildlife management on certain property of the person.), As Engrossed  

No significant fiscal implication to the State is anticipated.  

Local Government Impact  

No significant fiscal implication to units of local government is anticipated.  

Source Agencies:  580 Texas Water Development Board, 582 Texas Natural Resource Conservation Commission, 802 Texas Parks and Wildlife Department  

LBB Staff:  JK, CL, TL
LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 77th Regular Session

April 8, 2001

TO: Honorable David Counts, Chair, House Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB3404 by King, Tracy (Relating to the classification of the use of water for purposes of fees and regulations imposed by, and the repeal of certain statutes applicable to, the Edwards Aquifer Authority.), Committee Report 1st House, Substituted

No fiscal implication to the State is anticipated. Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House as to its probable fiscal implication on units of local government.

Source Agencies: 304 Comptroller of Public Accounts
LBB Staff: JK, CL, DB
LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 77th Regular Session

March 19, 2001

TO: Honorable David Counts, Chair, House Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB3404 by King, Tracy (Relating to the classification of the use of water for purposes of fees and regulations imposed by the Edwards Aquifer Authority.), As Introduced

No fiscal implication to the State is anticipated. Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House as to its probable fiscal implication on units of local government.

Source Agencies: 304 Comptroller of Public Accounts
LBB Staff: JK, DB
WITNESS LIST

HB 3404
SENATE COMMITTEE REPORT
Natural Resources
May 7, 2001 - 2:00PM

FOR: Edmondson, Eddy President (Texas Nursery & Landscape Assn.), Austin, TX
     Hander, James VP (Mortellaro's Nursery, Inc), San Antonio, TX

Registering, but not testifying:
FOR: Howe, Billy Assoc. Legislative Director (Texas Farm Bureau), Austin, TX

AGAINST Scheider, Rob Sr. Staff Attorney (Consumers Union), Austin, TX
     Woodford, Suzy Executive Director (Common Cause Texas), Austin, TX

ON: Clayton, Bill Consultant (Uvalco Water District), Austin, TX
REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR DAVID CAIN, CHAIRMAN
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that CSHB 3404, by Anmbrieten,
(Bill No.) (Author/Sponsor)
was heard by the Committee on Natural Resources on 5B, 2001,
and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

(Clerk of the reporting committee)

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.
relating to the classification of the use of water for purposes of fees and regulations imposed by the Edwards Aquifer Authority.

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

SECTION 1. Section 1.03, Chapter 626, Acts of the 73rd Legislature, Regular Session 1993, is amended by adding Subdivisions (26) and (27) to read as follows:

(26) "Agricultural use" means any use or activity involving any of the following activities:

(A) cultivating the soil to produce crops for human food, animal feed, or planting seed or for the production of fibers;

(B) the practice of floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or nonsoil media, by a nursery grower;

(C) raising, feeding, or keeping animals for breeding purposes or for the production of food or fiber, leather, pelts, or other tangible products having a commercial value;

(D) wildlife management;

(E) raising or keeping equine animals; or

(F) planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the
purpose of participating in a governmental program or normal crop
or livestock rotation procedures.

(27) "Nursery grower" means a person who grows more than
50 percent of the products that the person either sells or leases,
regardless of the variety sold, leased, or grown. For the purpose
of this definition, "grow" means the actual cultivation or
propagation of the product beyond the mere holding or maintaining
of the item before sale or lease and typically includes activities
associated with the production or multiplying of stock, such as the
development of new plants from cuttings, grafts, plugs, or
seedlings.

SECTION 2. This Act takes effect immediately if it receives
a vote of two-thirds of all members elected to each house, as
provided by Section 39, Article III, Texas Constitution. If this
Act does not receive the votes necessary for immediate effect, this
Act takes effect September 1, 2001.
A BILL TO BE ENTITLED
AN ACT
relating to the classification of the use of water for purposes of
fees and regulations imposed by, and the repeal of certain statutes
applicable to, the Edwards Aquifer Authority.

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

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Legislature, Regular Session, 1993, is amended by adding
Subdivisions (26), (27), and (28) to read as follows:

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(27) "Non-agricultural use" means use for any purpose other than irrigation, horticulture, or raising livestock.

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SECTION 2. Section 1.11(h), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is repealed.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.
relating to the classification of the use of water for purposes of fees and regulations imposed by the Edwards Aquifer Authority.

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

SECTION 1. Section 1.03, Chapter 626, Acts of the 73rd Legislature, Regular Session 1993, is amended by adding Subdivisions (26) and (27) to read as follows:

(26) "Agricultural use" means any use or activity involving any of the following activities:

(A) cultivating the soil to produce crops for human food, animal feed, or planting seed or for the production of fibers;

(B) the practice of floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or nonsoil media, by a nursery grower;

(C) raising, feeding, or keeping animals for breeding purposes or for the production of food or fiber, leather, pelts, or other tangible products having a commercial value;

(D) wildlife management;

(E) raising or keeping equine animals; or

(F) planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the
purpose of participating in a governmental program or normal crop
or livestock rotation procedures.

(27) "Nursery grower" means a person who grows more than
50 percent of the products that the person either sells or leases,
regardless of the variety sold, leased, or grown. For the purpose
of this definition, "grow" means the actual cultivation or
propagation of the product beyond the mere holding or maintaining
of the item before sale or lease and typically includes activities
associated with the production or multiplying of stock, such as the
development of new plants from cuttings, grafts, plugs, or
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SECTION 2. This Act takes effect immediately if it receives
a vote of two-thirds of all members elected to each house, as
provided by Section 39, Article III, Texas Constitution. If this
Act does not receive the votes necessary for immediate effect, this
Act takes effect September 1, 2001.
LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 77th Regular Session

May 9, 2001

TO: Honorable J.E. "Buster" Brown, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB3404 by King, Tracy (Relating to the classification of the use of water for purposes of fees and regulations imposed by the Edwards Aquifer Authority.), Committee Report 2nd House, Substituted

No fiscal implication to the State is anticipated. Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies: 304 Comptroller of Public Accounts
LBB Staff: JK, CL, DB
LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 77th Regular Session

April 8, 2001

TO: Honorable David Counts, Chair, House Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB3404 by King, Tracy (Relating to the classification of the use of water for purposes of fees and regulations imposed by, and the repeal of certain statutes applicable to, the Edwards Aquifer Authority.), Committee Report 1st House, Substituted

No fiscal implication to the State is anticipated. Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House as to its probable fiscal implication on units of local government.

Source Agencies: 304 Comptroller of Public Accounts
LBB Staff: JK, CL, DB
LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 77th Regular Session

March 19, 2001

TO: Honorable David Counts, Chair, House Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB3404 by King, Tracy (Relating to the classification of the use of water for purposes of fees and regulations imposed by the Edwards Aquifer Authority.), As Introduced

No fiscal implication to the State is anticipated. Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House as to its probable fiscal implication on units of local government.

Source Agencies: 304 Comptroller of Public Accounts
LBB Staff: JK, DB
LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 77th Regular Session

May 23, 2001

TO: Honorable James E. "Pete" Laney, Speaker of the House, House of Representatives

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB3404 by King, Tracy (relating to the classification of the use of water for purposes of fees and regulations imposed by the Edwards Aquifer Authority.), As Passed 2nd House

No fiscal implication to the State is anticipated. Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies: 304 Comptroller of Public Accounts
LBB Staff: JK, CL, DB
ENROLLED

H.B. No. 3404

AN ACT

relating to the classification of the use of water for purposes of fees and regulations imposed by the Edwards Aquifer Authority.

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

SECTION 1. Section 1.03, Chapter 626, Acts of the 73rd Legislature, Regular Session 1993, is amended by adding subdivisions (26) and (27) to read as follows:

(26) "Agricultural use" means any use or activity involving any of the following activities:

(A) cultivating the soil to produce crops for human food, animal feed, or planting seed or for the production of fibers;

(B) the practice of floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or nonsoil media, by a nursery grower;

(C) raising, feeding, or keeping animals for breeding purposes or for the production of food or fiber, leather, pelts, or other tangible products having a commercial value;

(D) wildlife management;

(E) raising or keeping equine animals; or

(F) planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in a governmental program or normal crop or livestock rotation procedures.
(27) "Nursery grower" means a person who grows more than 50 percent of the products that the person either sells or leases, regardless of the variety sold, leased, or grown. For the purpose of this definition, "grow" means the actual cultivation or propagation of the product beyond the mere holding or maintaining of the item before sale or lease and typically includes activities associated with the production or multiplying of stock, such as the development of new plants from cuttings, grafts, plugs, or seedlings.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the votes necessary for immediate effect, this Act takes effect September 1, 2001.
H.B. No. 3404

President of the Senate

I certify that H.B. No. 3404 was passed by the House on April 27, 2001, by the following vote: Yeas 143, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3404 on May 25, 2001, by the following vote: Yeas 105, Nays 0, 2 present, not voting.

Speaker of the House

Chief Clerk of the House

I certify that H.B. No. 3404 was passed by the Senate, with amendments, on May 23, 2001, by the following vote: Yeas 30, Nays 0, 1 present, not voting.

Secretary of the Senate

APPROVED: ____________________________

Date

Governor
BILL ANALYSIS

Office of House Bill Analysis

H.B. 3404
By: King, Tracy
Natural Resources
8/15/2001
Enrolled

BACKGROUND AND PURPOSE

When the Edwards Aquifer Authority (authority) was created in the 73rd legislative session, it did not provide definitions for “agricultural use” and “nursery grower.” The authority charges fees for water usage. The fees for water used for agricultural purposes are calculated at different rates than those for water used for nonagricultural uses. House Bill 3404 adds the definitions of “agricultural use” and “nursery grower” for the purpose of clarifying which rate should be charged for a particular use of water.

RULEMAKING AUTHORITY

It is the opinion of the Office of House Bill Analysis that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 3404 amends law to provide the definitions of “agricultural use” and “nursery grower” for purposes of fees and regulations imposed by the Edwards Aquifer Authority. The bill provides that “agricultural use” means any use or activity involving:

- cultivation of soil to produce crops or planting seed for the production of fibers;
- floriculture, viticulture, silviculture, and horticulture;
- raising, feeding, or keeping animals for breeding purposes or for the production of tangible products with commercial value;
- wildlife management
- raising or keeping equine animals; or
- planting cover crops.

“Nursery grower” means a person who grows more than 50 percent of the products that the person either sells or leases, regardless of the variety sold, leased, or grown.

EFFECTIVE DATE

BILL ANALYSIS

Office of House Bill Analysis

H.B. 3404

By: King, Tracy
Natural Resources
3/19/2001
Introduced

BACKGROUND AND PURPOSE

When the Edwards Aquifer Authority (authority) was created in the 73rd Legislative Session, it did not provide definitions for “agricultural use” and “non-agricultural use.” Currently, the authority charges fees for water usage. The fees for water used for agricultural purposes are calculated at different rates than those for water used for non-agricultural uses. House Bill 3404 adds the definitions of “agricultural use” and “non-agricultural use” for the purpose of clarifying which rate should be charged for a particular use of water.

RULEMAKING AUTHORITY

It is the opinion of the Office of House Bill Analysis that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 3404 amends law to provide the definitions of “agricultural use” and “non-agricultural use” for purposes of fees and regulations imposed by the Edwards Aquifer Authority. The bill provides that “agricultural use” means the use of water for irrigation horticulture, or for the raising of livestock and “non-agricultural use” means any other use.

EFFECTIVE DATE

On passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2001.
President of the Senate

I certify that H.B. No. 3404 was passed by the House on April 27, 2001, by the following vote:

Yea 143, Nays 0, 2 present, not voting;

and that the House concurred in Senate amendments to H.B. No. 3404 on May 25, 2001, by the following vote:

Yea 105, Nays 0, 2 present, not voting.

Chief Clerk of the House

**** Preparation: CT31;

I certify that H.B. No. 3404 was passed by the Senate, with amendments, on May 23, 2001, by the following vote: Yeas 30, Nays 0, 1 present, not voting.

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: CT32;
A BILL TO BE ENTITLED
AN ACT

relating to the classification of the use of water for purposes
of fees and regulations imposed by the Edwards Aquifer Authority.

H.B. No. 3404

By

\text{Fency King}

\text{Filed with the Chief Clerk}
\text{Read first time and referred to Committee on Natural Resources}
\text{Reported favorably (as amended)}
\text{Sent to Committee on (Calendars)}
\text{(Local & Consent Calendars)}
\text{Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)}
\text{(record vote of present, not voting)}
\text{Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)}
\text{by a vote of present, not voting}
\text{Engrossed}
\text{Sent to Senate}

\text{Sharon Carter}

\text{Chief Clerk of the House}

\text{Received from the House}
\text{Read and referred to Committee on NATURAL RESOURCES}
\text{Reported favorably}
\text{Reported adversely, with favorable Committee Substitute; Committee Substitute read first time}
\text{Ordered not printed}
\text{Laid before the Senate}
\text{Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)}
\text{Read second time, and passed to third reading by (unanimous consent)}
\text{Senate and Constitutional 3 Day Rules suspended by a vote of 0 nays}
\text{Read third time, and passed by (a yea vote vote)}
\text{Returned to the House}

\text{Secretary of the Senate}
MAY 23, 2001

Returned from the Senate (as substituted)

MAY 25, 2001

House concurred in Senate amendments by a ____________ (record vote of ____________ yeas, ____________ nays, ____________ present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee by a (non-record vote) (record vote of ____________ yeas, ____________ nays, ____________ present, not voting)

House conferees appointed: ____________________________, Chair;
______________________________

Senate granted House request. Senate conferees appointed: ____________________________, Chair;
______________________________

Conference committee report adopted (rejected) by the House by a (non-record vote) (record vote of ____________ yeas, ____________ nays, ____________ present, not voting)

Conference committee report adopted (rejected) by the Senate by a (viva voce vote) (record vote of ____________ yeas, ____________ nays)
JOINT AUTHOR AUTHORIZATION

As primary author of HB 3404 I hereby authorize the following joint author(s):

Robert Puente
printed name of joint author #1

signature of joint author #1

date

printed name of joint author #2

signature of joint author #2

date

printed name of joint author #3

signature of joint author #3

date

printed name of joint author #4

signature of joint author #4

date

signature of primary author

3/9/01

date