

BILL ANALYSIS

Senate Research Center
78R7234 DRH-F

S.B. 1738
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4/17/2003
As Filed

DIGEST AND PURPOSE

The Edwards Aquifer is the primary source of potable water for citizens living within Bexar County. Current law allows permits issued for development projects to be “grand-fathered” and exempted from new rules as they are developed. However, the law is silent on the issue of whether permits can be transferred from one property owner to the next. As proposed, S.B. 1738 prevents the transfer of a permit issued by a regulatory agency for a project to be constructed over the Edwards Aquifer in Bexar County to a new property owner, unless all rules and regulations in place at time of the transfer are the same as when the permit was first issued.

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 245.004, Local Government Code, as follows:

Sec. 245.004. EXEMPTIONS. (a) The subsection is created from existing text.

(b) Provides that this chapter does not apply to permits of a regulatory agency for property that is located in a county with a population of more than one million for which the primary source of drinking water is an underground aquifer.

SECTION 2. (a) Effective date: upon passage or September 1, 2003.

(b) Makes application of this Act prospective.