

BILL ANALYSIS

Senate Research Center

H.B. 1806
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Water & Rural Affairs
5/2/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been suggested that, as the population in the Edwards Aquifer region grows, local water utilities should have flexibility to optimize their infrastructure and utilize water supplies in the most efficient manner. It has also been suggested that a provision relating to the Edwards Aquifer Authority can be interpreted to limit the operations of the local water utilities, which could lead to an environment of unreliable or unavailable water supplies in nearby areas.

H.B. 1806 seeks to address these issues by setting out provisions relating to the use of water withdrawn from the Edwards Aquifer by certain entities. Transfer of Edwards Aquifer water from the original permit holder to adjacent counties would be capped at 6000 acre feet per year. The bill allows for no increase in pumping or permitting.

H.B. 1806 amends current law relating to the use of water withdrawn from the Edwards Aquifer by certain entities.

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 1.34, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, by amending Subsection (a) and adding Subsections (a-1), (a-2), and (a-3), to read as follows:

(a) Defines "retail public utility" for purposes of this section.

(a-1) Makes a nonsubstantive change. Creates an exception under this section to the requirement that water drawn from the aquifer is to be used within the boundaries of the authority.

(a-2) Authorizes a retail public utility that is an initial regular permit holder and the service area of which is contained wholly or partly inside the boundaries of the authority to use water withdrawn from the aquifer to provide retail water service in a county adjacent to the boundaries of the authority within the utility's certificated service area.

(a-3) Authorizes a municipally owned utility owned by the City of San Antonio to sell not more than 6,000 acre feet of water withdrawn from the aquifer per year at wholesale to a retail public utility or river authority for use in any county adjacent to Bexar County. Requires the municipally owned utility owned by the City of San Antonio to obtain the consent of the Kendall County Commissioners Court for a sale of water under this subsection if:

(1) the water is sold for use in Kendall County; and

(2) the sale would cause the total sales of water under this subsection for use in Kendall County to exceed 1,500 acre feet of water per year.

SECTION 2. Effective date: September 1, 2019.