

BILL ANALYSIS

Senate Research Center

S.B. 42
By: Armbrister
Natural Resources
7/15/2003
As Filed

DIGEST AND PURPOSE

As proposed, S.B. 42 charges the Edwards Aquifer Authority (authority) with limiting annual groundwater withdrawal permits to 450,000 acre-feet per annum for the period beginning January 1, 2008. This bill also requires the authority to issue withdrawal permits to applicants that demonstrate, by convincing evidence, they beneficially used ground water between 1972 and 1993, and provides most applicants with a guaranteed minimum permit.

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 1.08(b), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to provide that this subsection is not intended to allow the authority to regulate surface water or land use.

SECTION 2. Amends Sections 1.14(b) and (f), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, as follows:

(b) Provides that except as provided by Subsections (d), (f), and (h) of this section and Section 1.26 of this article, for the period ending December 31, 2007, the amount of actual permitted withdrawals from the aquifer may not exceed 450,000 acre-feet of water for each calendar year.

(f) Requires, rather than authorizes, the Edwards Aquifer Authority (authority), if the level of the aquifer is equal to or greater than 650 feet above mean sea level as measured at Well J-17, to authorize withdrawal from the San Antonio pool, on an uninterrupted basis, of permitted amounts. Requires, rather than authorizes, the authority, if the level of the aquifer is equal to or greater than 845 feet at Well J-27, to authorize withdrawal from the Uvalde pool, on an uninterrupted basis, of permitted amounts.

SECTION 3. Amends Section 1.34(c), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to authorize a permit holder to lease or transfer permitted water rights, but prohibits a holder of a permit for irrigation use from leasing or transferring more than 50 percent of the irrigation rights initially permitted. Requires the user's remaining irrigation water rights to be used in accordance with the original permit and to pass with transfer of the irrigated land or be transferred to other land for irrigation use only.

SECTION 4. Effective date: 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, or the 91st day after the last day of the legislative session.