

## **BILL ANALYSIS**

Senate Research Center  
79R188 SGA-D

S.B. 1857  
By: Madla  
Natural Resources  
4/22/2005  
As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Currently, the Kinney County Groundwater Conservation District (district) suffers from management problems and lacks financial stability. S.B. 1857 dissolves the district and consolidates it into the Edwards Aquifer Authority (authority) by including Kinney County into its jurisdiction, and authorizes the authority to regulate both the Edwards Aquifer portion of Kinney County as well as the other underground water in Kinney County.

Kinney County, as a whole, will be represented through District 14 (western Uvalde County) on the authority board. Kinney County will be given a representative on the South Texas Water Advisory Committee. All powers, duties, rights, assets, and obligations of the district become the powers, duties, rights, assets, and obligations of the authority.

### **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. DISSOLUTION. Dissolves the Kinney County Groundwater Conservation District, as provided by Section 10 of this Act, and provides that the underground water resources formerly subject to the district's jurisdiction are made subject to the jurisdiction of the Edwards Aquifer Authority (authority).

SECTION 2. AMENDMENT. Amends Section 1.02(a), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to include all or part of Kinney County in the authority.

SECTION 3. AMENDMENT. Amends Section 1.03, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, by amending Subdivision (1) and adding Subdivision (28) to redefine "aquifer" and define "western hydrologic division."

SECTION 4. AMENDMENT. Amends Section 1.04, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to provide that the authority includes the territory contained in all of the area of Kinney County.

SECTION 5. AMENDMENT. Amends Section 1.08(b), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to apply the authority's powers regarding underground water to any underground water resource made subject to the authority's jurisdiction.

SECTION 6. AMENDMENT. Amends Section 1.093(n), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to include Kinney County in District 14.

SECTION 7. AMENDMENT. Amends Section 1.10(a), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to provide that a representative of Kinney County serves on the South Central Texas Water Advisory Committee.

SECTION 8. AMENDMENT. Amends Section 1.34(c), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to prohibit a holder of a permit to use water from the aquifer for irrigation use, rather than the holder of a permit for irrigation use, from leasing more than 50 percent of the irrigation rights initially permitted.

SECTION 9. REPEALER. Repealer: Chapter 1344 (relating to the creation, administration, powers, duties, and financing of the Kinney County Groundwater Conservation District), Acts of the 77th Legislature, Regular Session, 2001.

SECTION 10. TRANSITION. (a) Transfers all the powers, duties, rights, assets, and obligations of the Kinney County Groundwater Conservation District to the Edwards Aquifer Authority on the effective date of this Act. Transfers all records, supplies, and other property relating to the Kinney County Groundwater Conservation District to the Edwards Aquifer Authority on the effective date of this Act. Requires the Edwards Aquifer Authority to be automatically substituted for the Kinney County Groundwater Conservation District in any judicial or administrative proceeding to which, on the effective date of this Act, the Kinney Groundwater Conservation District is a party or is sitting or serving as an administrative, regulatory, or adjudicative body.

(b) Requires the Edwards Aquifer Authority, not later than the 60th day after the effective date of this Act and irrespective of any action by the Kinney County Groundwater Conservation District before that effective date, to grant, consistent with Section 1.16(g), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, all historic use and existing use permits as filed with the Kinney County Groundwater Conservation District on or before December 31, 2003, in accordance with the recommendations in each hearing report prepared in accordance with district rules by the district's private consultant, who is also an employee of the authority and, in that capacity as an employee, has provided to the authority the same or similar reports and services.

(c) Dissolves the Kinney County Groundwater Conservation District on completion of the transfer of records, supplies, and other property to the Edwards Aquifer District.

(d) Requires the Kinney County Commissioners Court, as soon as practicable after the effective date of this Act, to appoint a member of the South Central Texas Water Advisory Committee under Section 1.10(a), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, as amended by this Act.

SECTION 11. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. Provides that all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 12. EFFECTIVE DATE. Effective date: September 1, 2005.