

BILL ANALYSIS

C.S.H.B. 1741
By: King, Tracy O.
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A recent United States Geological Survey indicates that water from the Medina River impounded behind Diversion Dam recharges approximately 36,000 acre-feet annually into the Edwards Aquifer. Some studies indicate the recharge may be even more. The Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1 maintains operation and control of Medina Dam and Diversion Dam.

C.S.H.B. 1741 ensures that the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1, the Edwards Aquifer Authority, the Bexar Metropolitan Water District, and the San Antonio River Authority enter into an interlocal agreement for the planning, funding, and implementing of a project to repair the Medina Lake Dam.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1741 amends Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to require the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1, the Edwards Aquifer Authority, the Bexar Metropolitan Water District, and the San Antonio River Authority, not later than the 90th day after the effective date of this bill, to enter into an interlocal agreement for the planning, funding, and implementing of a project to repair the Medina Lake Dam. The bill authorizes any other local entity with the ability to assist in the effort to be included in the interlocal agreement. The bill requires the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1 to provide funding from available funds for the necessary repairs, provide all documentation necessary to substantiate actual cost estimates for repairing the Medina Lake Dam, cooperate with the other parties to the interlocal agreement on the construction required to repair the Medina Lake Dam, and provide other support as necessary. The bill requires the San Antonio River Authority to facilitate the development and implementation of the interlocal agreement, provide administrative support as necessary, oversee and manage the entire repair project, and submit an annual progress report to the legislature with the initial report due not later than December 31, 2010. The bill requires the Edwards Aquifer Authority and the Bexar Metropolitan Water District to provide funding from available funds for repairs and support as necessary. The bill authorizes other entities that enter into the interlocal agreement to provide funding and other support as appropriate. The bill provides for the term of the interlocal agreement to expire on completion of the repair project. The bill establishes an advisory board for the project to repair the Medina Lake Dam and requires the advisory board to consist of a representative from each party to the interlocal agreement; be chaired by the representative of the San Antonio River Authority who shall facilitate development and implementation of the interlocal agreement; meet at least quarterly to explore other possible funding opportunities, receive progress reports on the status of the project, and discuss other business as necessary; and dissolve on completion of the project. The

bill sets forth legislative purpose and findings related to the repairs of the Medina Lake Dam for the recharge of the Edwards and Trinity Aquifers, public safety, protection of irrigation, and municipal water supply.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1741 differs from the original by requiring the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1, the Edwards Aquifer Authority, the Bexar Metropolitan Water District, and the San Antonio River Authority to enter into an interlocal agreement for the planning, funding, and implementing of a project to repair the Medina Lake Dam, and sets forth general provisions and legislative findings for the agreement, whereas the original entitles a political subdivision causing artificial recharge to the Edwards Aquifer to withdraw a specified amount of water, be compensated by the authority, or a combination of withdrawals and compensation. The substitute differs from the original by providing for immediate effect contingent on the bill's receiving the necessary two-thirds vote on each house or a September 1, 2009, effective date, whereas the original provides for a September 1, 2009, effective date.