

BILL ANALYSIS

C.S.H.B. 1646
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Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

S.B. 1477, passed by the 73rd Legislature, Regular Session, 1993, established the Edwards Aquifer Authority as a special regional management district to manage, enhance, and protect the Edwards Aquifer system in south central Texas. That legislation required that all water withdrawn from the aquifer be used solely within the authority's jurisdictional boundaries, intending for water withdrawn to be used to meet the needs of users within its boundaries. Included among these users are certain entities with certificates of convenience and necessity (CCN), which grant a holder exclusive rights to provide retail water or sewer utility service to a specified geographic area, that extend beyond the authority's jurisdictional lines.

C.S.H.B. 1646 seeks to prevent the need for costly reengineering of a CCN holder's water infrastructure to separate aquifer water from other water sources by allowing the use of water withdrawn from the Edwards Aquifer within the geographic area of a CCN any part of which was located within the boundaries of the Edwards Aquifer Authority at the time the authority became operational.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 1646 amends Section 1.34(b), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to expand the authorized areas of use of water withdrawn from the Edwards Aquifer to include the geographic area of a certificate of convenience and necessity any part of which was located within the boundaries of the Edwards Aquifer Authority on June 28, 1996.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1646 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the substitute provides for the use of withdrawn water within the geographic area of a certificate of convenience and necessity any part of which was located within the boundaries of the Edwards Aquifer Authority on the specified date, the introduced provided for the use of withdrawn water within the geographic area of a certificate of convenience and necessity that extends beyond the authority's boundaries and a portion of which existed within those boundaries on that date.