

## **BILL ANALYSIS**

S.B. 863  
By: Perry  
Natural Resources  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The bill sponsor has informed the committee that in 1993 the 73rd Texas Legislature enacted S.B. 1477, which provided for the creation of the Edwards Aquifer Authority to, in relevant part, regulate groundwater withdrawals from the environmentally sensitive Edwards Aquifer, and that among the restrictions placed on the use of aquifer water was a general prohibition against use of water withdrawn from the aquifer outside the authority's jurisdiction. The bill sponsor has also informed the committee that certain utilities straddle the edge of the authority's jurisdiction, serving territory both within and just outside of the authority; that these utilities serve certificated areas instituted by certificates of convenience and necessity authorized under state law prior to the authority's creation; and that these utilities have historically used water withdrawn from aquifer wells within the parts of their certificated areas located outside the authority's boundary. The bill sponsor has further informed the committee that, generally speaking, these utilities do not have the technical capability or resources to easily separate water withdrawn from within authority jurisdiction from the portions of their systems located outside the authority without significantly raising rates and that the subdivision of their certificated areas by the authority's boundary, and the undue burden that came with it, was essentially a legislative oversight that has resulted in these utilities inadvertently violating state law. S.B. 863 seeks to resolve this oversight by providing for water withdrawn from the aquifer to be used within a retail public utility's applicable certificated area any part of which was located within the authority's boundaries on June 28, 1996, the day 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**

S.B. 863 amends Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to prohibit water withdrawn from the Edwards Aquifer from being transported outside the boundaries of the Edwards Aquifer Authority via pipeline or other means for any purpose. The bill authorizes water withdrawn from the aquifer to be used within the certificated area of a retail public utility according to a certificate of convenience and necessity, as the certificate existed on September 1, 2025, any part of which was located within the authority's boundaries on June 28, 1996.

### **EFFECTIVE DATE**

September 1, 2025.