

BILL ANALYSIS

Senate Research Center
81R14016 SLB-D

H.B. 4762
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Natural Resources
5/8/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The bill relates to the boundaries of the Edwards Aquifer Authority in Atascosa County (authority). The bill would amend the Edwards Aquifer Authority Act by adding two parcels of land to the jurisdictional boundaries of the authority. In addition, the bill contains a validation of three groundwater withdrawal permits that were originally issued by the authority but were determined later to be outside of the current jurisdictional boundaries. The permit holders want their land to be included in the boundaries of the authority and want to hold permits issued by the authority.

H.B. 4762 adds certain parcels of lands to the territory of the authority and validates certain groundwater withdrawal permits. The bill makes it clear that the validation of the three permits would not deviate from the legislative directions given to the authority in 2007, and that the permitted amounts would not add to the 572,000 acre-foot per year cap because the permitted amounts were included when the cap was amended in 2007. Validation of the permits and the boundaries would codify what has been occurring through practice for over a decade after the authority mistakenly permitted the three wells and included land associated with the wells in the jurisdictional boundaries of the authority.

H.B. 4762 amends current law relating to the territory of, and the validation of certain governmental acts and proceedings 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. Amends Section 1.04, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, as follows:

Sec. 1.04. BOUNDARIES. Sets forth the territory of the Edwards Aquifer Authority (authority).

SECTION 2. (a) Provides that all governmental acts and proceedings of the authority relating to the following initial regular permits are validated in all respects: P100-013, P100-014, and P100-017.

(b) Provides that this section does not apply to any matter that on the effective date of this Act is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment or has been held invalid by a final court judgment.

SECTION 3. Provides that the permits described by Section 2(a) of this Act were regular permits issued by the authority as of January 1, 2005, and the withdrawals authorized by those permits as they were originally issued were included within the 572,000 acre-feet of water for each calendar year established by Section 1.14(c) (relating to prohibition of withdrawing more than 400,000 acre-feet of water), Chapter 626 (relating to the creation of the authority), Acts of the 73rd Legislature, Regular Session, 1993.

SECTION 4. 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 5. Effective date: September 1, 2009.