

BILL ANALYSIS

C.S.S.B. 1441
By: Campbell
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The San Antonio Water System includes water infrastructure surrounding San Antonio military installations. It has been noted that there is a possibility for the system to serve water to the installations rather than the installations pumping their own Edwards Aquifer wells. There have been calls to provide partnerships between the water system and the military installations that would allow each installation to reduce the water produced from the Edwards Aquifer while the maximum water amounts remain unaffected. C.S.S.B. 1441 seeks to address this issue by providing for the withdrawal of water from the Edwards Aquifer by the system to supply a military installation.

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.S.B. 1441 amends Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to require a municipally owned utility owned by the City of San Antonio to withdraw groundwater from the aquifer without a permit under the following conditions:

- the utility uses the groundwater to supply a military installation with water for human consumption, irrigation, operations, mission support, or infrastructure maintenance;
- the utility and the military installation enter into a contract requiring the installation to reduce its groundwater withdrawals from the aquifer by the same amount of withdrawn water the installation receives from the utility; and
- the utility complies with rules adopted by the Edwards Aquifer Authority (EAA) that allow the authority to monitor groundwater withdrawals from the aquifer by the utility and determine amounts of groundwater exempted from permitting, including rules requiring the reporting of amounts supplied by the utility to the military installation and amounts by which the military installation reduces the installation's groundwater withdrawals from the aquifer.

This authorization does not alter the obligations of a military installation under a biological opinion issued by a federal agency. The bill caps the amount of water the utility may provide to a military installation at the amount of water that the military installation is authorized to withdraw from the aquifer under a biological opinion issued by a federal agency.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1441 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute includes as an additional requisite condition under which the utility may withdraw groundwater under the bill's provisions utility compliance with EEA rules that allow the authority to monitor groundwater withdrawals from the aquifer by the utility and determine amounts of groundwater exempted from permitting. This condition is not in the engrossed.