

By: King of Uvalde

H.B. No. 3059

A BILL TO BE ENTITLED

AN ACT

relating to the export fee charged for the transfer of groundwater from a groundwater conservation district.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 36.122, Water Code, is amended by amending Subsections (e) and (p) and adding Subsections (e-1) and (e-2) to read as follows:

(e) Except as provided by Subsection (e-1), the ~~[The]~~ district may impose an export fee or surcharge using one of the following methods:

(1) a fee negotiated between the district and the exporter;

(2) for a tax-based district, a rate not to exceed 20 cents ~~[the equivalent of the district's tax rate per hundred dollars of valuation]~~ for each thousand gallons of water exported from the district ~~[or 2.5 cents per thousand gallons of water, if the district assesses a tax rate of less than 2.5 cents per hundred dollars of valuation]~~; or

(3) for a fee-based district, a rate not to exceed the greater of 20 cents for each thousand gallons or a 50 percent surcharge, in addition to the district's production fee, for water exported from the district.

(e-1) Effective January 1, 2024, the maximum allowable export fee a district may impose under Subsections (e)(2) and

1 (e)(3) for each thousand gallons exported from the district is  
2 automatically increased at an annual rate of three percent.

3 (e-2) A district governed by a special law in regard to an  
4 export fee or surcharge on water exported from the district may  
5 charge an export fee or surcharge in accordance with that special  
6 law or in accordance with Subsections (e) and (e-1).

7 (p) Subsections [Subsection] (e), (e-1), and (e-2) do  
8 [does] not apply to a district that is collecting an export fee or  
9 surcharge on March 1, 2001.

10 SECTION 2. Section 36.207, Water Code, is amended to read as  
11 follows:

12 Sec. 36.207. USE OF FEES. A district may use funds obtained  
13 from administrative, production, or export fees collected under a  
14 special law governing the district or this chapter for any purpose  
15 consistent with the district's approved management plan,  
16 including, without limitation, making grants, loans, or  
17 contractual payments to achieve, facilitate, or expedite  
18 reductions in groundwater pumping or the development or  
19 distribution of alternative water supplies or to maintain the  
20 operability of wells significantly affected by groundwater  
21 development to allow for the highest practicable level of  
22 groundwater production while achieving the desired future  
23 conditions established under Section 36.108.

24 SECTION 3. This Act takes effect September 1, 2023.