

By: Rodriguez, Naishtat

H.B. No. 2707

Substitute the following for H.B. No. 2707:

By: Puente

C.S.H.B. No. 2707

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the authority of the Barton Springs-Edwards Aquifer  
3 Conservation District to charge certain fees.

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

5 SECTION 1. Section 36.205(d), Water Code, is amended to  
6 read as follows:

7 (d) The [~~Barton Springs-Edwards Aquifer Conservation~~  
8 ~~District, the~~] Lone Star Groundwater Conservation District[~~7~~] and  
9 the Guadalupe County Groundwater Conservation District may not  
10 charge production fees for an annual period greater than \$1 per  
11 acre-foot for water used for agricultural use or 17 cents per  
12 thousand gallons for water used for any other purpose. [~~The Barton~~  
13 ~~Springs-Edwards Aquifer Conservation District may assess a water~~  
14 ~~use fee against a specific municipality in an amount not to exceed~~  
15 ~~60 percent of the total funding of the district received from water~~  
16 ~~use fees assessed against that municipality and other nonexempt~~  
17 ~~users in the district.~~] This subsection shall take precedence over  
18 all prior enactments.

19 SECTION 2. Section 2, Chapter 429, Acts of the 70th  
20 Legislature, Regular Session, 1987, is amended by amending  
21 Subsection (f)(2) and adding Subsection (g) to read as follows:

22 (2) The board may assess the City of Austin, as a water  
23 use fee, each year an amount not to exceed 60 [~~40~~] percent of the  
24 total funding that [~~of~~] the district expects to receive for the next

1 fiscal year [~~received~~] from water use fees assessed against Austin  
2 and other nonexempt users. For purposes of computing water use fees  
3 under this subsection, the district shall estimate the amount of  
4 permitted pumpage for the next fiscal year by considering various  
5 factors including historical growth rates, future growth rates, the  
6 amount of permitted pumpage, historical permitted pumpage, and any  
7 pending applications for permitted pumpage. The district shall use  
8 the estimated amount of permitted pumpage and its water use fee rate  
9 to compute the water use fee to be assessed against the City of  
10 Austin for the district's next fiscal year. The district shall  
11 compute the water use fee assessed against the City of Austin at a  
12 rate of 17 cents per thousand gallons for the total amount of water  
13 permitted for any nonagricultural purpose, regardless of the rate  
14 actually imposed on or remitted by the permittee.

15 (g) Except as provided by this subsection, the board may not  
16 charge an annual production fee of more than \$1 per acre-foot for  
17 water used for agricultural use or 17 cents per thousand gallons of  
18 water used for any other purpose. For a permit approved or  
19 materially amended after September 1, 2005, or a permit issued  
20 after September 9, 2004, and renewed after September 1, 2005, the  
21 board may charge an annual production fee of not more than 35 cents  
22 per thousand gallons for water used for any purpose other than  
23 agricultural use. The board may adopt a differential rate  
24 structure for nonagricultural production fees to promote  
25 alternatives to the exclusive use of groundwater resources.

26 SECTION 3. The legislature finds that the Barton  
27 Springs-Edwards Aquifer Conservation District benefits the

1 sustainable use of groundwater by promoting, through fee and  
2 permitting mechanisms, alternatives to the exclusive use of  
3 groundwater resources, including the conjunctive use of  
4 groundwater and surface water resources.

5 SECTION 4. This Act takes effect September 1, 2005.