

By: Rodriguez

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. The legislature finds that the Barton
6 Springs-Edwards Aquifer Conservation District benefits the
7 sustainable use of groundwater by promoting, through fee and
8 permitting mechanisms, alternatives to the exclusive use of
9 groundwater resources, including the conjunctive use of
10 groundwater and surface water resources.

11 SECTION 2. Section 2, Chapter 429, Acts of the 70th
12 Legislature, Regular Session, 1987, is amended by amending
13 Subsection (f)(2) and adding Subsections (g) and (h) to read as
14 follows:

15 (2) The board may assess the City of Austin, as a water
16 use fee, each year an amount not to exceed 60 [~~40~~] percent of the
17 total funding of the district received from water use fees assessed
18 against Austin and other nonexempt users. For purposes of this
19 section, the total annual funding of the district received from
20 water use fees assessed against Austin and other nonexempt users is
21 determined using the rates in effect for permits issued for water
22 used for any purpose other than agricultural use immediately before
23 September 1, 2005.

24 (g) Except as provided by Subsection (h), the board may not

1 charge an annual production fee of more than \$1 per acre-foot for
2 water used for agricultural use or 17 cents per thousand gallons of
3 water used for any other purpose. The board may adopt a
4 differential rate structure for non-agricultural production fees
5 to promote alternatives to the exclusive use of groundwater
6 resources.

7 (h) For a permit approved or materially amended after
8 September 1, 2005, or a permit issued after September 9, 2004, and
9 renewed after September 1, 2005, the board may charge an annual
10 production fee of not more than 31 cents per thousand gallons for
11 water used for any purpose other than agricultural use.

12 SECTION 3. Section 36.205(d), Water Code, is amended to
13 read as follows:

14 (d) The [~~Barton Springs-Edwards Aquifer Conservation~~
15 ~~District, the~~] Lone Star Groundwater Conservation District[~~7~~] and
16 the Guadalupe County Groundwater Conservation District may not
17 charge production fees for an annual period greater than \$1 per
18 acre-foot for water used for agricultural use or 17 cents per
19 thousand gallons for water used for any other purpose. [~~The Barton~~
20 ~~Springs-Edwards Aquifer Conservation District may assess a water~~
21 ~~use fee against a specific municipality in an amount not to exceed~~
22 ~~60 percent of the total funding of the district received from water~~
23 ~~use fees assessed against that municipality and other nonexempt~~
24 ~~users in the district.] This subsection shall take precedence over
25 all prior enactments.~~

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