

By: Barrientos

S.B. No. 1674

Substitute the following for S.B. No. 1674:

By: Puente

C.S.S.B. No. 1674

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

(2) The board may assess the City of Austin, as a water use fee, each year an amount not to exceed 60 ~~[40]~~ percent of the

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

16 (g) Except as provided by this subsection, the board may not  
17 charge an annual production fee of more than \$1 per acre-foot for  
18 water permitted for agricultural use or 17 cents per thousand  
19 gallons for water permitted for any other purpose. For a permit  
20 first issued after September 1, 2005, or a permit first issued after  
21 September 9, 2004, and renewed after September 1, 2005, the board  
22 may charge an annual production fee of not more than 35 cents per  
23 thousand gallons for the amount of water permitted under the permit  
24 as issued or renewed if the water is permitted for any purpose other  
25 than agricultural use. For a permit that is materially amended  
26 after September 1, 2005, the board may charge an annual production  
27 fee of not more than 35 cents per thousand gallons for only the

1 additional amount of water authorized by the material amendment if  
2 the water is permitted for any purpose other than agricultural use.  
3 For a permit first issued on or before September 9, 2004, that is  
4 renewed without material amendment after September 1, 2005, the  
5 board may not charge an annual production fee of more than 17 cents  
6 per thousand gallons for the amount of water permitted under the  
7 permit as renewed if the water is permitted for any purpose other  
8 than agricultural use. The board may adopt a differential rate  
9 structure for the nonagricultural production fees described by this  
10 subsection to promote alternatives to the exclusive use of  
11 groundwater resources.

12 (h) A material amendment under Subsection (g) of this  
13 section is an amendment to a permit that increases the amount of  
14 water permitted by more than 10 percent in one fiscal year or by  
15 more than 25 percent in any three-year period. The renewal on or  
16 after September 1, 2005, of a permit that was issued on or before  
17 September 9, 2004, is considered to be a material amendment for  
18 purposes of Subsection (g) of this section if the permit as renewed  
19 increases the amount of water permitted by an amount that exceeds  
20 the limits specified by this subsection.

21 SECTION 3. The legislature finds that the Barton  
22 Springs-Edwards Aquifer Conservation District benefits the  
23 sustainable use of groundwater by promoting, through fee and  
24 permitting mechanisms, alternatives to the exclusive use of  
25 groundwater resources, including the conjunctive use of  
26 groundwater and surface water resources.

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