

1-1 By: Barrientos S.B. No. 1674
1-2 (In the Senate - Filed March 11, 2005; March 30, 2005, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 20, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 20, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1674 By: Barrientos

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the authority of the Barton Springs-Edwards Aquifer
1-11 Conservation District to charge certain fees.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (d), Section 36.205, Water Code, is
1-14 amended to read as follows:

1-15 (d) The ~~[Barton Springs-Edwards Aquifer Conservation~~
1-16 ~~District, the]~~ Lone Star Groundwater Conservation District~~[,]~~ and
1-17 the Guadalupe County Groundwater Conservation District may not
1-18 charge production fees for an annual period greater than \$1 per
1-19 acre-foot for water used for agricultural use or 17 cents per
1-20 thousand gallons for water used for any other purpose. ~~[The Barton~~
1-21 ~~Springs-Edwards Aquifer Conservation District may assess a water~~
1-22 ~~use fee against a specific municipality in an amount not to exceed~~
1-23 ~~60 percent of the total funding of the district received from water~~
1-24 ~~use fees assessed against that municipality and other nonexempt~~
1-25 ~~users in the district.]~~ This subsection shall take precedence over
1-26 all prior enactments.

1-27 SECTION 2. Section 2, Chapter 429, Acts of the 70th
1-28 Legislature, Regular Session, 1987, is amended by amending
1-29 Subsection (f)(2) and adding Subsections (g) and (h) to read as
1-30 follows:

1-31 (2) The board may assess the City of Austin, as a water
1-32 use fee, each year an amount not to exceed 60 ~~[40]~~ percent of the
1-33 total funding that ~~[of]~~ the district expects to receive for the next
1-34 fiscal year ~~[received]~~ from water use fees assessed against Austin
1-35 and other nonexempt users. For purposes of computing water use fees
1-36 under this subsection, the district shall estimate the amount of
1-37 permitted pumpage for the next fiscal year by considering various
1-38 factors including historical growth rates, future growth rates, the
1-39 amount of permitted pumpage, historical permitted pumpage, and any
1-40 pending applications for permitted pumpage. The district shall use
1-41 the estimated amount of permitted pumpage and its water use fee rate
1-42 to compute the water use fee to be assessed against the City of
1-43 Austin for the district's next fiscal year. The district shall
1-44 compute the water use fee assessed against the City of Austin at a
1-45 rate of 17 cents per thousand gallons for the total amount of water
1-46 permitted for any nonagricultural purpose, regardless of the rate
1-47 actually imposed on or remitted by the permittee.

1-48 (g) Except as provided by this subsection, the board may not
1-49 charge an annual production fee of more than \$1 per acre-foot for
1-50 water permitted for agricultural use or 17 cents per thousand
1-51 gallons for water permitted for any other purpose. For a permit
1-52 issued or materially amended after September 1, 2005, or a permit
1-53 issued after September 9, 2004, and renewed after September 1,
1-54 2005, the board may charge an annual production fee of not more than
1-55 35 cents per thousand gallons for the amount of water permitted
1-56 under the permit as issued or renewed or the increase in the amount
1-57 of water permitted under the permit as materially amended if the
1-58 water is permitted for any purpose other than agricultural use. The
1-59 board may adopt a differential rate structure for the
1-60 nonagricultural production fees described by this subsection to
1-61 promote alternatives to the exclusive use of groundwater resources.

1-62 (h) A material amendment under Subsection (g) of this
1-63 section is an amendment to a permit that increases the amount of

2-1 water permitted by more than 10 percent in one fiscal year or by
2-2 more than 25 percent in any three-year period. The renewal on or
2-3 after September 1, 2005, of a permit that was issued on or before
2-4 September 9, 2004, is considered to be a material amendment for
2-5 purposes of Subsection (g) of this section if the permit as renewed
2-6 increases the amount of water permitted by an amount that exceeds
2-7 the limits specified by this subsection.

2-8 SECTION 3. The legislature finds that the Barton
2-9 Springs-Edwards Aquifer Conservation District benefits the
2-10 sustainable use of groundwater by promoting, through fee and
2-11 permitting mechanisms, alternatives to the exclusive use of
2-12 groundwater resources, including the conjunctive use of
2-13 groundwater and surface water resources.

2-14 SECTION 4. This Act takes effect September 1, 2005.

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