

By: Rose

H.B. No. 3572

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 and limit groundwater
4 production during a drought.

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

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

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

20 SECTION 2. Subchapter C, Chapter 8802, Special District
21 Local Laws Code, is amended by adding Section 8802.1045 to read as
22 follows:

23 Sec. 8802.1045. AMOUNT OF ANNUAL PRODUCTION FEE. (a)
24 Except as provided by this section, the board may not charge an

1 annual production fee of more than \$1 per acre-foot for water
2 permitted for agricultural use or 17 cents per thousand gallons for
3 water permitted for any other purpose.

4 (b) For a permit first issued after September 1, 2007, or a
5 permit first issued after September 9, 2004, and renewed after
6 September 1, 2007, the board may charge, for the amount of water
7 permitted under the permit as issued or renewed if the water is
8 permitted for any purpose other than agricultural use, an annual
9 production fee of not more than the greater of:

10 (1) 38 cents per thousand gallons; or

11 (2) the current firm water use rate adopted by the
12 Lower Colorado River Authority for raw, untreated water.

13 (c) For a permit that is materially amended after September
14 1, 2007, the board may charge, for only the additional amount of
15 water authorized by the material amendment if the water is
16 permitted for any purpose other than agricultural use, an annual
17 production fee of not more than the greater of:

18 (1) 38 cents per thousand gallons; or

19 (2) the current firm water use rate adopted by the
20 Lower Colorado River Authority for raw, untreated water.

21 (d) For a permit first issued on or before September 9,
22 2004, that is renewed without material amendment after September 1,
23 2007, the board may not charge an annual production fee of more than
24 17 cents per thousand gallons for the amount of water permitted
25 under the permit as renewed if the water is permitted for any
26 purpose other than agricultural use.

27 (e) The board may adopt a differential rate structure for

1 the nonagricultural production fees described by this section to
2 promote alternatives to the exclusive use of groundwater resources.

3 (f) A material amendment under this section is an amendment
4 to a permit that increases the amount of water permitted by more
5 than 10 percent in one fiscal year or by more than 25 percent in any
6 three-year period. The renewal on or after September 1, 2007, of a
7 permit that was issued on or before September 9, 2004, is considered
8 to be a material amendment for purposes of this section if the
9 permit as renewed increases the amount of water permitted by an
10 amount that exceeds the limits specified by this subsection.

11 SECTION 3. Section 8802.105, Special District Local Laws
12 Code, is amended to read as follows:

13 Sec. 8802.105. CERTAIN WATER USE FEES PERMITTED. (a) Each
14 year the board may assess against the City of Austin a water use fee
15 in an amount not to exceed 60 [~~40~~] percent of the total funding [~~of~~
16 the district expects to receive for the next fiscal year [~~received~~]
17 from water use fees assessed against Austin and other nonexempt
18 users in that year.

19 (b) For purposes of computing water use fees under this
20 section, the district shall estimate the amount of permitted
21 pumpage for the next fiscal year by considering various factors
22 including historical growth rates, future growth rates, the amount
23 of permitted pumpage, historical permitted pumpage, and any pending
24 applications for permitted pumpage. The district shall use the
25 estimated amount of permitted pumpage and its water use fee rate to
26 compute the water use fee to be assessed against the City of Austin
27 for the district's next fiscal year. The district shall compute the

1 water use fee assessed against the City of Austin at a rate of 17
2 cents per thousand gallons for the total amount of water permitted
3 for any nonagricultural purpose, regardless of the rate actually
4 imposed on or remitted by the permittee.

5 SECTION 4. Subchapter C, Chapter 8802, Special District
6 Local Laws Code, is amended by adding Section 8802.109 to read as
7 follows:

8 Sec. 8802.109. RESTRICTIONS ON PRODUCTION DURING DROUGHT.
9 During a period declared by the district to be a drought and only as
10 specified in the district's approved management plan, the district
11 may restrict or prohibit groundwater production associated with
12 industrial, commercial, and nonagricultural irrigation uses to:

13 (1) maintain groundwater production necessary to
14 sustain human consumption; and

15 (2) protect the public's health, safety, and welfare.

16 SECTION 5. The legislature finds that the Barton
17 Springs-Edwards Aquifer Conservation District benefits the
18 sustainable use of groundwater by promoting, through fee and
19 permitting mechanisms, alternatives to the exclusive use of
20 groundwater resources, including the conjunctive use of
21 groundwater and surface water resources.

22 SECTION 6. This Act takes effect September 1, 2007.