

By: King of Zavala

H.B. No. 1741

A BILL TO BE ENTITLED

AN ACT

relating to recharge of the Edwards Aquifer.

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

SECTION 1. Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended by adding Section 1.445 to read as follows:

Sec. 1.445. COMPENSATION TO POLITICAL SUBDIVISION FOR ARTIFICIAL RECHARGE. Notwithstanding whether a political subdivision enters into a cooperative contract with the authority under Section 1.44 of this Act, a political subdivision causing artificial recharge of the aquifer is entitled to:

(1) withdraw during any 12-month period the measured amount of water actually injected or artificially recharged during the preceding 12-month period, as demonstrated and established by expert testimony, less an amount determined by the authority to:

(A) account for that part of the artificially recharged water discharged through springs; and

(B) compensate the authority in lieu of user's fees;

(2) be compensated by the authority for the cost of operating any facility that is causing artificial recharge of the aquifer, regardless of the primary function of the facility or the date the facility was constructed; or

(3) a combination of withdrawals under Subdivision (1)

1 and compensation under Subdivision (2).

2 SECTION 2. The change in law made by this Act applies only
3 to any artificial recharge of the Edwards Aquifer that occurs on or
4 after the effective date of this Act. Any artificial recharge of
5 the Edwards Aquifer that occurs before the effective date of this
6 Act is governed by the law in effect when the recharge occurred, and
7 that law is continued in effect for that purpose.

8 SECTION 3. This Act takes effect September 1, 2009.