

By: Averitt

S.B. No. 2320

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a groundwater conservation district to assess production fees.

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

SECTION 1. Section 36.205, Water Code, is amended to read as follows:

Sec. 36.205. AUTHORITY TO SET FEES. (a) A district may set fees for administrative acts of the district, such as filing applications. Fees set by a district may not unreasonably exceed the cost to the district of performing the administrative function for which the fee is charged.

(b) A district shall set and collect fees for all services provided outside the boundaries of the district. The fees may not unreasonably exceed the cost to the district of providing the services outside the district.

(c) A district may assess production fees based on the amount of water authorized by permit to be withdrawn from a well or the amount actually withdrawn. A district may assess the fees in lieu of, or in conjunction with, any taxes otherwise levied by the district. A district may use revenues generated by the fees for any lawful purpose. Production fees shall not exceed:

(1) \$1 per acre-foot payable annually for water used for agricultural use; or

(2) 30 cents [~~\$10~~] per 1,000 gallons [~~acre-foot~~]

1 payable annually for water used for any other purpose.

2 (d) ~~[The Lone Star Groundwater Conservation District and~~
3 ~~the Guadalupe County Groundwater Conservation District may not~~
4 ~~charge production fees for an annual period greater than \$1 per~~
5 ~~acre-foot for water used for agricultural use or 17 cents per~~
6 ~~thousand gallons for water used for any other purpose. This~~
7 ~~subsection shall take precedence over all prior enactments.~~

8 ~~[(e)]~~ Subsection (c) does not apply to the following
9 districts:

- 10 (1) the Edwards Aquifer Authority;
- 11 (2) the Fort Bend Subsidence District;
- 12 (3) the Harris-Galveston Coastal Subsidence District;
- 13 (4) the Barton Springs Edwards Aquifer Conservation
14 District; or
- 15 (5) any district that collects a property tax and that
16 was created before September 1, 1999, unless otherwise authorized
17 by special law.

18 (e) ~~[(f)]~~ A district ~~[, including a district described under~~
19 ~~Subsection (d),]~~ may assess a production fee under Subsection (c)
20 for any water produced under an exemption under Section 36.117 if
21 that water is subsequently sold to another person.

22 (f) ~~[(g)]~~ A district may assess a transportation fee under
23 Section 36.122.

24 SECTION 2. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2009.