

## **BILL ANALYSIS**

Senate Research Center

S.B. 1080  
By: Kolkhorst  
Water, Agriculture, & Rural Affairs  
3/17/2023  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Lost Pines Groundwater Conservation District (district) was created by the legislature to protect the groundwater supply of Bastrop and Lee Counties.

#### Key Provisions

- Enables the district to establish a mitigation program to address excessive drawdown in an aquifer or subdivision of an aquifer where the potentiometric surface is below the desired future condition or has resulted in wells having become more non-productive.
- The district may fund this program by utilizing pumping fees, export fees, or any other revenue available to the district.
- This may be carried out by reducing groundwater production within the aquifer or subdivision of the aquifer or by providing reimbursement for the cost of repairing wells to access groundwater below the potentiometric surface of the aquifer or subdivision of the aquifer.

As proposed, S.B. 1080 amends current law relating to a mitigation program and fees for the Lost Pines Groundwater Conservation District.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 8849, Special District Local Laws Code, by adding Section 8849.107, as follows:

Sec. 8849.107. MITIGATION PROGRAM. (a) Authorizes the Lost Pines Groundwater Conservation District (district), by rule, to establish a mitigation program to address excessive drawdown in an aquifer or subdivision of an aquifer such that the potentiometric surface is below the desired future condition or has resulted in wells having become non-productive. Authorizes mitigation, in accordance with a district rule, to take the form of:

(1) reducing groundwater production within the aquifer or subdivision of an aquifer; or

(2) providing reimbursement for the cost of repairing wells to access groundwater below the potentiometric surface of the aquifer or subdivision of an aquifer.

(b) Authorizes the district to fund the mitigation program utilizing pumping fees, export fees, or any other revenue available to the district.

SECTION 2. Amends Section 8849.151, Special District Local Laws Code, as follows:

Sec. 8849.151. New heading: FEES. (a) Authorizes the district to assess regulatory production fees pursuant to Section 36.205(c) (relating to authorizing a district to assess

production fees based on the amount of water authorized by permit to be withdrawn from a well or the amount actually withdrawn), Water Code, and regulatory export fees pursuant to Section 36.122 (Transfer of Groundwater Out of District), Water Code. Deletes existing text authorizing the district to assess regulatory pumping fees for water produced in or exported from the district.

(b) Makes a conforming change to this subsection.

(c) Deletes existing text prohibiting regulatory production pumping fees based on the amount of water withdrawn from a well from exceeding certain amounts.

(d) Deletes existing text prohibiting combined regulatory pumping fees for production and export of water from exceeding 17 cents for each thousand gallons for water used.

SECTION 3. Provides that mitigation payments and fees assessed before the effective date of this Act are ratified, confirmed, and validated and all governmental acts and proceedings of the board of directors that occurred before the effective date of this Act are validated for all purposes.

SECTION 4. Effective date: upon passage or September 1, 2023.