By:  Kolkhorst S.B. No. 1080

A BILL TO BE ENTITLED

AN ACT

relating to a mitigation program and fees for the Lost Pines Groundwater Conservation District.

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

SECTION 1.  Chapter 8849, Special District Local Laws Code, is amended by adding Section 8849.107 to read as follows:

Sec. 8849.107.  MITIGATION PROGRAM. (a) The district may, by rule, 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. In accordance with a district rule, mitigation may 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)  The district may fund the mitigation program utilizing pumping fees, export fees, or any other revenue available to the district.

SECTION 2.  Section 8849.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8849.151.  [~~PUMPING~~] FEES. (a) The district may assess regulatory production [~~pumping~~] fees pursuant to Section 36.205(c), Water Code, and regulatory export fees pursuant to Section 36.122, Water Code [~~for water produced in or exported from the district~~].

(b)  The regulatory production [~~pumping~~] fees the district assesses for water for crop or livestock production or other agricultural uses may not exceed 20 percent of the rate applied to water for municipal uses.

(c)  Regulatory production [~~pumping~~] fees [~~based on the amount of water withdrawn from a well~~] may not exceed:

(1)  $1 for each acre-foot for water used to irrigate agricultural crops; or

(2)  17 cents for each thousand gallons for water used for any other purpose.

[~~(d)  Combined regulatory pumping fees for production and export of water may not exceed 17 cents for each thousand gallons for water used.~~]

SECTION 3.  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.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.  If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.