

AN ACT

relating to the export fee charged for the transfer of groundwater from a groundwater conservation district.

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

SECTION 1. Section 36.122, Water Code, is amended by amending Subsections (e) and (p) and adding Subsections (e-1), (e-2), and (e-3) to read as follows:

(e) Except as provided by Subsection (e-1), the ~~[The]~~ district may impose an export fee or surcharge using one of the following methods:

(1) a fee negotiated between the district and the exporter;

(2) for a tax-based district, a rate not to exceed 20 cents ~~[the equivalent of the district's tax rate per hundred dollars of valuation]~~ for each thousand gallons of water exported from the district ~~[or 2.5 cents per thousand gallons of water, if the district assesses a tax rate of less than 2.5 cents per hundred dollars of valuation]~~; or

(3) for a fee-based district, a rate not to exceed the greater of 20 cents for each thousand gallons or a 50 percent surcharge, in addition to the district's production fee, for water exported from the district.

(e-1) Effective January 1, 2024, the maximum allowable rate a district may impose for an export fee or surcharge under

1 Subsection (e)(2) or (e)(3) increases by three percent each
2 calendar year.

3 (e-2) A district governed by a special law in regard to an
4 export fee or surcharge on water exported from the district may
5 charge an export fee or surcharge in accordance with that special
6 law or in accordance with Subsections (e) and (e-1).

7 (e-3) An export fee or surcharge imposed under Subsection
8 (e) or an increase in an imposed export fee or surcharge is not
9 valid unless it is approved by the board after a public hearing.

10 (p) Subsections [Subsection] (e), (e-1), and (e-2) do
11 [does] not apply to a district that is collecting an export fee or
12 surcharge on March 1, 2001.

13 SECTION 2. Section 36.207, Water Code, is amended to read as
14 follows:

15 Sec. 36.207. USE OF FEES. (a) A district may use funds
16 obtained from administrative, production, or export fees collected
17 under a special law governing the district or this chapter for any
18 purpose consistent with the district's approved management plan,
19 including, without limitation, making grants, loans, or
20 contractual payments to achieve, facilitate, or expedite
21 reductions in groundwater pumping or the development or
22 distribution of alternative water supplies or to maintain the
23 operability of wells significantly affected by groundwater
24 development to allow for the highest practicable level of
25 groundwater production while achieving the desired future
26 conditions established under Section 36.108.

27 (b) A district may use funds obtained from the amount that

1 an export fee is increased under Section 36.122(e-1) on or after
2 January 1, 2024, only for costs related to assessing and addressing
3 impacts associated with groundwater development, including:

4 (1) maintaining operability of wells significantly
5 affected by groundwater development;

6 (2) developing or distributing alternative water
7 supplies; and

8 (3) conducting aquifer monitoring, data collection,
9 and aquifer science.

10 SECTION 3. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 3059 was passed by the House on April 18, 2023, by the following vote: Yeas 117, Nays 27, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 3059 on May 23, 2023, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 3059 on May 28, 2023, by the following vote: Yeas 119, Nays 25, 2 present, not voting.

Chief Clerk of the House

H.B. No. 3059

I certify that H.B. No. 3059 was passed by the Senate, with amendments, on May 18, 2023, by the following vote: Yeas 25, Nays 6; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 3059 on May 27, 2023, by the following vote: Yeas 25, Nays 6.

Secretary of the Senate

APPROVED: _____

Date

Governor