

By: Gerdes

H.B. No. 3314

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

Sec. 8849.107. MITIGATION PROGRAM. (a) In this section,
"potentiometric surface" means an imaginary surface representing
the static head of groundwater in a tightly cased well that taps a
water-bearing rock unit; or, in the case of unconfined aquifers,
the water table.

(b) The district by rule may establish a mitigation program
to address excessive drawdown of an aquifer or subdivision of an
aquifer in the district that results in:

(1) the potentiometric surface being below a desired
future condition; or

(2) nonproductive wells.

(c) A mitigation program established under this section
may:

(1) reduce groundwater production from the aquifer or
subdivision of an aquifer that is the subject of the program; or

(2) provide reimbursement for the cost of repairing
wells to access groundwater below the potentiometric surface of the

1 aquifer or subdivision of an aquifer that is the subject of the
2 program.

3 (d) The district may fund the mitigation program with
4 production fees, export fees, or any other revenue available to the
5 district.

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

8 Sec. 8849.151. [PUMPING] FEES. (a) The district may
9 assess production [~~regulatory pumping~~] fees under Section
10 36.205(c), Water Code, and export fees under Section 36.122, Water
11 Code [~~for water produced in or exported from the district~~].

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

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17 ~~amount of water withdrawn from a well~~] may not exceed:

18 (1) \$1 for each acre-foot for water used to irrigate
19 agricultural crops; or

20 (2) 17 cents for each thousand gallons for water used
21 for any other purpose.

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

25 SECTION 3. Mitigation payments and fees assessed before the
26 effective date of this Act are ratified, confirmed, and validated
27 in all respects.

1 SECTION 4. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2023.