

By: Kolkhorst

S.B. No. 1080

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to a mitigation program and fees for the Lost Pines  
3 Groundwater Conservation District.

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

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

8 Sec. 8849.107. MITIGATION PROGRAM. (a) The district by  
9 rule, adopted in accordance with Section 36.101, Water Code, may  
10 establish a mitigation program to address excessive drawdown of an  
11 aquifer or subdivision of an aquifer in the district that results  
12 in:

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

15 (2) nonproductive wells.

16 (b) A mitigation program established under this section  
17 may:

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

20 (2) provide reimbursement for the cost of repairing or  
21 replacing wells to access groundwater below the potentiometric  
22 surface of the aquifer or subdivision of an aquifer that is the  
23 subject of the program.

24 (c) The district may fund the mitigation program with

1 production fees, export fees, or any other revenue available to the  
2 district.

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

5 Sec. 8849.151. [~~PUMPING~~] FEES. (a) The district may  
6 assess production [~~regulatory pumping~~] fees under Section  
7 36.205(c), Water Code, and export fees under Section 36.122, Water  
8 Code [~~for water produced in or exported from the district~~].

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

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14 ~~amount of water withdrawn from a well~~] may not exceed:

15 (1) \$1 for each acre-foot for water used to irrigate  
16 agricultural crops; or

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

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

22 SECTION 3. Mitigation payments and fees assessed before the  
23 effective date of this Act are ratified, confirmed, and validated  
24 in all respects.

25 SECTION 4. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2023.