

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) The district shall, by rule adopted in accordance with Section 36.101, Water Code, 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.

(b) In order to provide a balance between the highest practicable level of groundwater production and the conservation, preservation, protection, recharge, and prevention of waste of groundwater and control of subsidence, a mitigation program established under this section may provide reimbursement for the cost of repairing or replacing wells described by Section 36.117(b)(1), Water Code, to access groundwater below the potentiometric surface of the aquifer or subdivision of an aquifer that is the subject of the program.

1 (c) The district shall offer to enter into a reciprocal
2 agreement with an adjacent groundwater conservation district or a
3 groundwater conservation district located in Groundwater
4 Management Area 12 to support a jointly managed mitigation program.
5 The district may fund the mitigation program with production fees,
6 export fees, or any other revenue available to the district.

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

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

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

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18 ~~amount of water withdrawn from a well]~~ may not exceed:

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

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

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

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

1 in all respects.

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1080 passed the Senate on March 28, 2023, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendments on May 23, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1080 passed the House, with amendments, on May 17, 2023, by the following vote: Yeas 142, Nays 1, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor