

By: Kolkhorst
(Gerdes)

S.B. No. 1080

Substitute the following for S.B. No. 1080:

By: Gerdes

C.S.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. 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 by
rule, adopted in accordance with Section 36.101, Water Code, 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.

(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 may enter into a reciprocal agreement with
2 an adjacent groundwater conservation district or a district located
3 in Groundwater Management Area 12 to allow the transfer of
4 groundwater rights in a district for production and use in another
5 district or to support a jointly managed mitigation program. The
6 district may fund the mitigation program with production fees,
7 export fees, or any other revenue available to the district.

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

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

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

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19 ~~amount of water withdrawn from a well~~] may not exceed:

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

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

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

27 SECTION 3. Mitigation payments and fees assessed before the

1 effective date of this Act are ratified, confirmed, and validated
2 in all respects.

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