

By: Kolkhorst

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. 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 may,  
by rule, establish a mitigation program to address excessive  
drawdown in an aquifer or subdivision of an aquifer such that the  
potentiometric surface is below the desired future condition or has  
resulted in wells having become non-productive. In accordance with  
a district rule, mitigation may take the form of:

1) reducing groundwater production within the  
aquifer or subdivision of an aquifer; or

2) providing reimbursement for the cost of  
repairing wells to access groundwater below the potentiometric  
surface of the aquifer or subdivision of an aquifer.

(b) The district may fund the mitigation program utilizing  
pumping fees, export fees, or any other revenue available to the  
district.

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

Sec. 8849.151. [~~PUMPING~~] FEES. (a) The district may assess  
regulatory production [~~pumping~~] fees pursuant to Section

1 36.205(c), Water Code, and regulatory export fees pursuant to  
2 Section 36.122, Water Code [~~for water produced in or exported from~~  
3 ~~the district~~].

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

8 (c) Regulatory production [~~pumping~~] fees [~~based on the~~  
9 ~~amount of water withdrawn from a well~~] may not exceed:

10 (1) \$1 for each acre-foot for water used to irrigate  
11 agricultural crops; or

12 (2) 17 cents for each thousand gallons for water used  
13 for any other purpose.

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

17 SECTION 3. Mitigation payments and fees assessed before the  
18 effective date of this Act are ratified, confirmed, and validated  
19 and all governmental acts and proceedings of the board of directors  
20 that occurred before the effective date of this Act are validated  
21 for all purposes.

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