

By: Rose

H.B. No. 4796

A BILL TO BE ENTITLED

AN ACT

relating to a study of the availability and sustainability of groundwater in the Hays Trinity Groundwater Conservation District; providing funds for the study.

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

SECTION 1. Part 3, Article 3, Chapter 966, Acts of the 77th Legislature, Regular Session, 2001, is amended by adding Section 3.03121 to read as follows:

Sec. 3.03121. STUDY OF GROUNDWATER AVAILABILITY AND SUSTAINABILITY. (a) In this section "groundwater supplier" means a water supply corporation or special district that:

(1) owns and operates a water well located in the Hays Trinity Groundwater Conservation District that produces more than 25,000 gallons of groundwater a day; and

(2) uses groundwater from the well to provide water to the supplier's customers.

(b) The district shall conduct a study to determine the quantity of groundwater available for use in the district and the sustainability of the groundwater supply.

(c) Notwithstanding Section 3.0312(c) of this part, to finance the study under this section, the district may charge a groundwater conservation and management fee of \$2 to be collected monthly by each groundwater supplier from each of the supplier's customers as provided by Subsection (d) of this section.

1 (d) If the district imposes the groundwater conservation
2 and management fee, a groundwater supplier shall include the fee as
3 an itemized charge on each customer's monthly billing statement
4 beginning with the billing statement for January 2010.

5 (e) The groundwater supplier shall remit the fees collected
6 under Subsection (d) of this section to the district. Fees
7 collected by the district under this section may be used by the
8 district only to finance the study of groundwater availability and
9 sustainability and not for any other purpose.

10 (f) The district shall annually provide a report to the
11 Commissioners Court of Hays County showing the total amount of
12 groundwater conservation and management fees collected by the
13 district from each groundwater supplier and how the money was used.

14 (g) If the district collects more than \$100,000 in fees
15 under this section in a year, the district shall return the excess
16 amount to the groundwater suppliers in proportion to the amount of
17 the fees collected from each supplier. Each groundwater supplier
18 shall rebate the returned fees to the supplier's customers.

19 (h) The district may not collect the groundwater
20 conservation and management fee for more than two years.

21 (i) This section expires April 1, 2012.

22 SECTION 2. 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, 2009.