AN ACT

relating to an exemption for groundwater used for certain purposes
from production fees assessed by the Upper Trinity Groundwater
Conservation District.

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

SECTION 1. Subchapter D, Chapter 8830, Special District
Local Laws Code, is amended by adding Section 8830.153 to read as
follows:

Sec. 8830.153. EXEMPTION FROM PRODUCTION FEES FOR
GROUNDWATER USED FOR CERTAIN EMERGENCY PURPOSES. (a) In this
section, "involved entity" means:

(1) a fire department or emergency services district
that uses groundwater produced within the boundaries of the
district; or

(2) a person that provides groundwater produced within
the boundaries of the district to a fire department or emergency
services district.

(b) Groundwater produced within the boundaries of the
district for use by a fire department or emergency services
district solely for emergency purposes is exempt from the
assessment of any production fees that would otherwise be required
under a district rule, resolution, or order adopted under Section
8830.152.

(c) For purposes of this section, emergency purposes
include the use of groundwater:

(1) to fight fires, manage chemical spills, and otherwise address emergency public safety or welfare concerns; and

(2) for training exercises conducted in preparation for responding to fires, chemical spills, and other emergency public safety or welfare concerns.

(d) The district may adopt rules to implement this section that require each involved entity to report to the district using reasonable and appropriate reporting methods established by the district:

(1) the total quantity of groundwater produced or used, as applicable, for all purposes by the involved entity during each month of the reporting period;

(2) the quantity of groundwater produced or used, as applicable, for emergency purposes during each month of the reporting period; and

(3) the quantity of groundwater produced or used, as applicable, for any purpose other than for emergency purposes during each month of the reporting period.

(e) The production fee exemption provided by Subsection (b) does not apply to groundwater produced for a purpose other than for emergency purposes.

SECTION 2. Section 8830.153, Special District Local Laws Code, as added by this Act, applies only to the assessment of a groundwater production fee by the Upper Trinity Groundwater Conservation District on or after the effective date of this Act. The assessment of a groundwater production fee by the Upper Trinity
Groundwater Conservation District before the effective date of this Act is governed by the law in effect on the date the fee was assessed, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.
H.B. No. 1664

President of the Senate

Speaker of the House

I certify that H.B. No. 1664 was passed by the House on May 15, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1664 was passed by the Senate on May 27, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: ____________________________

Date

Governor