

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

1 include the use of groundwater:

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

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

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

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

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

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

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

23 SECTION 2. Section 8830.153, Special District Local Laws
24 Code, as added by this Act, applies only to the assessment of a
25 groundwater production fee by the Upper Trinity Groundwater
26 Conservation District on or after the effective date of this Act.
27 The assessment of a groundwater production fee by the Upper Trinity

1 Groundwater Conservation District before the effective date of this
2 Act is governed by the law in effect on the date the fee was
3 assessed, and that law is continued in effect for that purpose.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2009.

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