

1-1 By: King of Parker, Keffer, Hardcastle H.B. No. 1664  
1-2 (Senate Sponsor - Estes)  
1-3 (In the Senate - Received from the House May 18, 2009;  
1-4 May 19, 2009, read first time and referred to Committee on Natural  
1-5 Resources; May 23, 2009, reported favorably by the following vote:  
1-6 Yeas 9, Nays 0; May 23, 2009, sent to printer.)

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to an exemption for groundwater used for certain purposes  
1-10 from production fees assessed by the Upper Trinity Groundwater  
1-11 Conservation District.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter D, Chapter 8830, Special District  
1-14 Local Laws Code, is amended by adding Section 8830.153 to read as  
1-15 follows:

1-16 Sec. 8830.153. EXEMPTION FROM PRODUCTION FEES FOR  
1-17 GROUNDWATER USED FOR CERTAIN EMERGENCY PURPOSES. (a) In this  
1-18 section, "involved entity" means:

1-19 (1) a fire department or emergency services district  
1-20 that uses groundwater produced within the boundaries of the  
1-21 district; or

1-22 (2) a person that provides groundwater produced within  
1-23 the boundaries of the district to a fire department or emergency  
1-24 services district.

1-25 (b) Groundwater produced within the boundaries of the  
1-26 district for use by a fire department or emergency services  
1-27 district solely for emergency purposes is exempt from the  
1-28 assessment of any production fees that would otherwise be required  
1-29 under a district rule, resolution, or order adopted under Section  
1-30 8830.152.

1-31 (c) For purposes of this section, emergency purposes  
1-32 include the use of groundwater:

1-33 (1) to fight fires, manage chemical spills, and  
1-34 otherwise address emergency public safety or welfare concerns; and

1-35 (2) for training exercises conducted in preparation  
1-36 for responding to fires, chemical spills, and other emergency  
1-37 public safety or welfare concerns.

1-38 (d) The district may adopt rules to implement this section  
1-39 that require each involved entity to report to the district using  
1-40 reasonable and appropriate reporting methods established by the  
1-41 district:

1-42 (1) the total quantity of groundwater produced or  
1-43 used, as applicable, for all purposes by the involved entity during  
1-44 each month of the reporting period;

1-45 (2) the quantity of groundwater produced or used, as  
1-46 applicable, for emergency purposes during each month of the  
1-47 reporting period; and

1-48 (3) the quantity of groundwater produced or used, as  
1-49 applicable, for any purpose other than for emergency purposes  
1-50 during each month of the reporting period.

1-51 (e) The production fee exemption provided by Subsection (b)  
1-52 does not apply to groundwater produced for a purpose other than for  
1-53 emergency purposes.

1-54 SECTION 2. Section 8830.153, Special District Local Laws  
1-55 Code, as added by this Act, applies only to the assessment of a  
1-56 groundwater production fee by the Upper Trinity Groundwater  
1-57 Conservation District on or after the effective date of this Act.  
1-58 The assessment of a groundwater production fee by the Upper Trinity  
1-59 Groundwater Conservation District before the effective date of this  
1-60 Act is governed by the law in effect on the date the fee was  
1-61 assessed, and that law is continued in effect for that purpose.

1-62 SECTION 3. This Act takes effect immediately if it receives  
1-63 a vote of two-thirds of all the members elected to each house, as  
1-64 provided by Section 39, Article III, Texas Constitution. If this

2-1 Act does not receive the vote necessary for immediate effect, this  
2-2 Act takes effect September 1, 2009.

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