

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 6. WATER AND WASTEWATER

SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER

For contingent expiration of this chapter, see Sec. 8807.003.

CHAPTER 8807. LOWER TRINITY GROUNDWATER

CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8807.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means the Lower Trinity Groundwater Conservation District.

Added by Acts 2005, 79th Leg., Ch. 863 (S.B. 1017), Sec. 1, eff. June 17, 2005.

Sec. 8807.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Liberty, Polk, and San Jacinto Counties created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Added by Acts 2005, 79th Leg., Ch. 863 (S.B. 1017), Sec. 1, eff. June 17, 2005.

Sec. 8807.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8807.023 before September 1, 2007:

(1) the district is dissolved on September 1, 2007, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to each county in proportion to the contribution of money made; and

(C) the organization of the district shall be maintained until all debts are paid and remaining assets are transferred; and

(2) this chapter expires on September 1, 2010.

Added by Acts 2005, 79th Leg., Ch. 863 (S.B. 1017), Sec. 1, eff. June 17, 2005.

Sec. 8807.004. INITIAL DISTRICT TERRITORY. (a) Except as provided by Subsection (b), the initial boundaries of the district are coextensive with the boundaries of Liberty, Polk, and San Jacinto Counties.

(b) If the creation of the district is not confirmed by the voters of a county at an election held under Section 8807.023, that county is not included in the district.

Added by Acts 2005, 79th Leg., Ch. 863 (S.B. 1017), Sec. 1, eff. June 17, 2005.

Sec. 8807.005. ADDITION OF ADJACENT COUNTY TO DISTRICT. (a) A county adjoining the district may petition to join the district by resolution of the county commissioners court.

(b) If, after a hearing on the resolution, the board finds that the addition of the county would benefit the district and the county to be added, the board by resolution may approve the addition of the county to the district.

(c) The addition of a county under this section is not final until approved by the voters in the county to be added at an election held for that purpose.

(d) The ballots for the election shall be printed to permit voting for or against the proposition: "The addition of (county's name) to the Lower Trinity Groundwater Conservation District."

(e) If a majority of the votes are cast in favor of the addition of the county to the district, the county is added to the district, and the district boundaries are adjusted accordingly. If less than a majority of the votes are cast in favor of the addition of the county to the district, the county is not added to the district.

Added by Acts 2005, 79th Leg., Ch. 863 (S.B. 1017), Sec. 1, eff. June 17, 2005.

Sec. 8807.006. APPLICABILITY OF OTHER GROUNDWATER

CONSERVATION DISTRICT LAW. Except as otherwise provided by this chapter, Chapter 36, Water Code, applies to the district.

Added by Acts 2005, 79th Leg., Ch. 863 (S.B. 1017), Sec. 1, eff. June 17, 2005.

#### SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8807.051. GOVERNING BODY. The district is governed by a board of directors, which initially shall consist of not fewer than three and not more than seven directors, appointed as provided by Section 8807.052.

Added by Acts 2005, 79th Leg., Ch. 863 (S.B. 1017), Sec. 1, eff. June 17, 2005.

Sec. 8807.052. APPOINTMENT OF DIRECTORS. (a) If the voters in Liberty, Polk, and San Jacinto Counties confirm the creation of the district, seven directors shall be appointed as follows:

(1) the Liberty County Commissioners Court shall appoint one director to represent the rural water utilities or the forestry or agricultural groundwater supply interests of the county;

(2) the Polk County Commissioners Court shall appoint one director to represent the rural water utilities or the large industrial groundwater supply interests of the county;

(3) the San Jacinto County Commissioners Court shall appoint one director to represent the rural water utilities or the forestry or agricultural groundwater supply interests of the county;

(4) the incorporated municipalities of Liberty County shall jointly appoint one director;

(5) the incorporated municipalities of Polk County shall jointly appoint one director;

(6) the incorporated municipalities of San Jacinto County shall jointly appoint one director; and

(7) the commissioners courts of Liberty, Polk, and San Jacinto Counties shall jointly appoint one director to represent the forestry, agricultural, or landowner groundwater interests of

all three counties.

(b) If the voters in two counties confirm the creation of the district, five directors shall be appointed as follows:

(1) the commissioners court in each of those counties shall appoint a director as provided by Subsection (a);

(2) the incorporated municipalities in each of those counties shall appoint a director as provided by Subsection (a); and

(3) the commissioners courts of the two counties shall jointly appoint one director to represent the forestry, agricultural, or landowner groundwater interests of both counties.

(c) If the voters in only one county confirm the creation of the district, three directors shall be appointed as follows:

(1) the commissioners court of the county shall appoint a director as provided by Subsection (a);

(2) the incorporated municipalities in the county shall appoint a director as provided by Subsection (a); and

(3) the commissioners court of the county shall appoint an additional director to represent the forestry, agricultural, or landowner groundwater interests of the county.

Added by Acts 2005, 79th Leg., Ch. 863 (S.B. [1017](#)), Sec. 1, eff. June 17, 2005.

Sec. 8807.053. CHANGE IN COMPOSITION; ADDITIONAL COUNTY. If a county is added to the district under Section [8807.005](#), the board may change the number of directors so that an equal number of directors is appointed from each county and one director is appointed jointly by the counties in the district.

Added by Acts 2005, 79th Leg., Ch. 863 (S.B. [1017](#)), Sec. 1, eff. June 17, 2005.

Sec. 8807.054. TERMS. Directors serve staggered three-year terms.

Added by Acts 2005, 79th Leg., Ch. 863 (S.B. [1017](#)), Sec. 1, eff. June 17, 2005.

Sec. 8807.055. VACANCY; RULES. (a) If there is a vacancy on

the board, the governing body of each entity that appointed the director who vacated shall appoint a director to serve the remainder of the term.

(b) The board shall adopt rules to establish when a vacancy has occurred.

Added by Acts 2005, 79th Leg., Ch. 863 (S.B. 1017), Sec. 1, eff. June 17, 2005.

Sec. 8807.056. PRESIDING OFFICER. The jointly appointed director under Section 8807.052(a)(7) or (b)(3) or the additional director appointed under Section 8807.052(c)(3) shall serve as the presiding officer of the board.

Added by Acts 2005, 79th Leg., Ch. 863 (S.B. 1017), Sec. 1, eff. June 17, 2005.

Sec. 8807.057. QUALIFICATIONS; GROUNDWATER PRODUCER. A person is not disqualified from serving as a director if that person is an employee, manager, director, or officer of a groundwater producer that is or may be regulated by the district.

Added by Acts 2005, 79th Leg., Ch. 863 (S.B. 1017), Sec. 1, eff. June 17, 2005.

Sec. 8807.058. COMPENSATION; REIMBURSEMENT. (a) A director is not entitled to receive compensation for serving as a director.

(b) A director may receive reimbursement for actual, reasonable expenses incurred in the discharge of official duties.

Added by Acts 2005, 79th Leg., Ch. 863 (S.B. 1017), Sec. 1, eff. June 17, 2005.

Sec. 8807.059. VOTING REQUIREMENT. A majority vote of a quorum is required for board action.

Added by Acts 2005, 79th Leg., Ch. 863 (S.B. 1017), Sec. 1, eff. June 17, 2005.

#### SUBCHAPTER C. POWERS AND DUTIES

Sec. 8807.101. PRODUCTION FEES. (a) The district may assess reasonable fees on each well in the district. The fee:

(1) must be based on the amount of water withdrawn from the well; and

(2) may not exceed 5 cents per 1,000 gallons of groundwater withdrawn for any purpose.

(b) This section does not apply to:

(1) a well used exclusively for agriculture, as defined by Section 36.001, Water Code; or

(2) an exempt well under Section 8807.102.

Added by Acts 2005, 79th Leg., Ch. 863 (S.B. 1017), Sec. 1, eff. June 17, 2005.

Sec. 8807.102. WELLS EXEMPT FROM REGULATION. (a) The district may not require a permit for a well that is:

(1) used solely for domestic and livestock purposes; and

(2) incapable of producing more than 25,000 gallons of groundwater a day.

(b) The district may not assess fees on a well that meets the criteria established under Section 36.117(b), Water Code.

Added by Acts 2005, 79th Leg., Ch. 863 (S.B. 1017), Sec. 1, eff. June 17, 2005.

Sec. 8807.103. TAXES PROHIBITED. The district may not impose a tax.

Added by Acts 2005, 79th Leg., Ch. 863 (S.B. 1017), Sec. 1, eff. June 17, 2005.

Sec. 8807.104. LIMIT ON ISSUANCE OF BONDS. The district may not issue any bonds or other obligations that pledge revenue derived from district taxation.

Added by Acts 2005, 79th Leg., Ch. 863 (S.B. 1017), Sec. 1, eff. June 17, 2005.

Sec. 8807.105. EMINENT DOMAIN. The district may not exercise the power of eminent domain.

Added by Acts 2005, 79th Leg., Ch. 863 (S.B. [1017](#)), Sec. 1, eff. June 17, 2005.

Sec. 8807.106. LIMIT ON PURCHASE OF GROUNDWATER RIGHTS FOR CONSERVATION PURPOSES. The district may purchase groundwater rights only if the purchased rights are acquired for conservation purposes and are held in trust permanently.

Added by Acts 2005, 79th Leg., Ch. 863 (S.B. [1017](#)), Sec. 1, eff. June 17, 2005.