

SPECIAL DISTRICT LOCAL LAWS CODE
TITLE 6. WATER AND WASTEWATER
SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER
CHAPTER 8851. MIDDLE PECOS GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8851.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a board member.
- (3) "District" means the Middle Pecos Groundwater Conservation District.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Sec. 8851.002. NATURE OF DISTRICT. The district is a groundwater conservation district created under and essential to accomplish the purposes of Section [59](#), Article XVI, Texas Constitution.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Sec. 8851.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section [59](#), Article XVI, Texas Constitution.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Sec. 8851.004. DISTRICT TERRITORY. The district's boundaries are coextensive with the boundaries of Pecos County unless the district's territory has been modified under:

- (1) Subchapter [J](#), Chapter [36](#), Water Code; or
- (2) other law.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03,

eff. April 1, 2013.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8851.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of 11 directors.

(b) Directors serve staggered four-year terms.
Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8851.052. ELECTION OF DIRECTORS. (a) Directors are elected according to the method provided by this section.

(b) One director is elected by the voters of the entire district. Two directors are elected from each county commissioners precinct by the voters of that precinct. One director is elected from Iraan by the voters of that municipality. One director is elected from Fort Stockton by the voters of that municipality.

(c) A person shall indicate on the application for a place on the ballot:

(1) the precinct or municipality that the person seeks to represent; or

(2) that the person seeks to represent the district at large.

(d) At the first election after the county commissioners precincts are redrawn under Section 18, Article V, Texas Constitution, eight new directors are elected to represent the precincts. The directors shall draw lots to determine which four directors serve two-year terms and which four directors serve four-year terms.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8851.053. ELECTION DATE. On the uniform election date in November of each even-numbered year, the appropriate number of directors shall be elected.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03,

eff. April 1, 2013.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. [1093](#)), Sec. 18.017(a), eff. September 1, 2013.

Sec. 8851.054. QUALIFICATIONS FOR OFFICE. (a) To be qualified to be a candidate for or to serve as director at large, a person must be a registered voter in the district.

(b) To be qualified to be a candidate for or to serve as director from a county commissioners precinct, a person must be a registered voter of that precinct.

(c) To be qualified to be a candidate for or to serve as director from a municipality, a person must be a registered voter of that municipality.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Sec. 8851.055. BOARD VACANCY. (a) If there is a vacancy on the board, the remaining directors shall appoint a director to serve the remainder of the term.

(b) If at any time there are fewer than three qualified directors, the Pecos County Commissioners Court shall appoint the necessary number of persons to fill all the vacancies on the board.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Sec. 8851.056. COMPENSATION; EXPENSES. A director may not receive a salary or other compensation for service as a director but may be reimbursed for actual expenses of attending meetings at the rate in effect for employees of Pecos County.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8851.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. The district has the rights, powers, privileges,

functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8851.102. POWERS AND DUTIES NOT SUBJECT TO STATE SUPERVISION. The rights, powers, privileges, functions, and duties of the district are not subject to the continuing right of supervision of the state through the Texas Commission on Environmental Quality.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8851.103. LIMITATION ON RULEMAKING POWER NOT APPLICABLE. Section 36.121, Water Code, does not apply to the district.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8851.104. GROUNDWATER FOR USE OUTSIDE DISTRICT.
(a) The district may not impose a rule on the production of groundwater for use outside the district that is in addition to the rules the district imposes on the production of groundwater for use inside the district.

(b) In addition to other fees assessed by the district, the district may assess a fee on groundwater transferred out of the district in an amount not to exceed 10 percent of the amount of the fee assessed for the production of water for use in the district.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.