

SPECIAL DISTRICT LOCAL LAWS CODE
TITLE 6. WATER AND WASTEWATER
SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER
CHAPTER 8863. NECHES AND TRINITY VALLEYS GROUNDWATER CONSERVATION
DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8863.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a board member.
- (3) "District" means the Neches and Trinity Valleys Groundwater Conservation District.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8863.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Anderson, Cherokee, and Henderson Counties created under and essential to accomplish the purposes of Section [59](#), Article XVI, Texas Constitution.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8863.003. 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 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8863.004. DISTRICT TERRITORY. The district is composed of the territory described by Section 3, Chapter 1387, Acts of the 77th Legislature, Regular Session, 2001, as that territory may have been modified under:

- (1) Section [8863.005](#) or its predecessor statute,

former Section 10, Chapter 1387, Acts of the 77th Legislature, Regular Session, 2001;

(2) Subchapter J or K, Chapter 36, Water Code; or

(3) other law.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. 1026), Sec. 1.05, eff. April 1, 2015.

Sec. 8863.005. ADDITION OF UNDERGROUND WATER CONSERVATION DISTRICT OR ADJACENT COUNTY TO DISTRICT. (a) An adjacent county or an underground water conservation district the boundaries of which lie wholly within the boundaries of the district may petition to join the district by resolution of the commissioners court of the county or the board of directors of the underground water conservation district.

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

(c) The addition of a county or underground water conservation district to the district under this section is not final until ratified by a majority vote of the voters in the county or within the boundaries of the underground water conservation district to be added voting in an election held for that purpose.

(d) The ballot for the election shall be printed to provide for voting for or against the proposition: "The inclusion of _____ County in the Neches and Trinity Valleys Groundwater Conservation District" or "The inclusion of _____ Underground Water Conservation District in the Neches and Trinity Valleys Groundwater Conservation District."

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. 1026), Sec. 1.05, eff. April 1, 2015.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8863.051. COMPOSITION OF BOARD. The district is

governed by a board of directors appointed as provided by Section [8863.052](#).

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8863.052. APPOINTMENT OF DIRECTORS. (a) The commissioners court of each county in the district shall appoint:

(1) one director to represent the rural water and utilities and small municipal water supply interests of the county; and

(2) one director to represent the agriculture, industry, or landowner groundwater supply interests of the county.

(b) The governing body of the most populous municipality in each county in the district, acting jointly with the governing body of the most populous municipality in each other county in the district, shall appoint one director to represent those municipalities. The governing bodies shall appoint residents of the district on a rotating basis so that a resident of each county is appointed every sixth year.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8863.053. TERMS. (a) Directors appointed under Section [8863.052](#)(a) serve staggered four-year terms, with the term of one director appointed by the commissioners court of each county expiring every two years. The director appointed jointly under Section [8863.052](#)(b) serves a two-year term.

(b) A director may serve consecutive terms.

(c) A director serves at the pleasure of the political subdivision that appointed the director.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8863.054. BOARD VACANCY. If there is a vacancy on the board, the governing body of the entity that appointed the director who vacated the office shall appoint a director to serve the remainder of the term.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8863.055. COMPENSATION; EXPENSES. (a) A director is not entitled to receive compensation for serving as a director.

(b) A director may be reimbursed for actual, reasonable expenses incurred in discharging official duties.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8863.056. VOTE REQUIRED FOR BOARD ACTION. A majority vote of a quorum of the board is required for board action. If there is a tie vote, the proposed action fails.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8863.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. Except as provided by this subchapter and Subchapter D, 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 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8863.102. WELLS EXEMPT FROM REGULATION. A well meeting the criteria established under Section [36.117](#), Water Code, including a well used for dewatering and monitoring in the production of coal and lignite, is exempt from permit requirements, regulations, and fees imposed by the district.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8863.103. TRANSFER OF GROUNDWATER OUT OF DISTRICT. (a) In this section, "retail public utility" has the meaning

assigned by Section 13.002, Water Code.

(b) The district by rule may require a person to obtain a permit from the district for the transfer of groundwater out of the district consistent with Section 36.122, Water Code.

(c) The district may determine that a transfer of groundwater produced within the district's boundaries for use outside the district's boundaries will not be considered a transfer outside the district if the transfer:

(1) is for use as a potable water supply by a retail public utility and is within an authorized service area of which an appropriate portion, as determined by the district, is located inside the district's boundaries; or

(2) involves an emergency potable water interconnect between retail public utilities.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. 1026), Sec. 1.05, eff. April 1, 2015.

Sec. 8863.104. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. 1026), Sec. 1.05, eff. April 1, 2015.

Sec. 8863.105. LIMIT ON PURCHASE OF GROUNDWATER RIGHTS. The district may not purchase groundwater rights unless the purchased rights are acquired for conservation purposes and are permanently held in trust not to be produced.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. 1026), Sec. 1.05, eff. April 1, 2015.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8863.151. AUTHORITY TO SET FEES; LIMITS. (a) The board may set fees for administrative acts of the district, such as filing applications. A fee may not unreasonably exceed the cost to the district of performing the administrative function for which the fee is charged.

(b) The board shall set and collect fees for all services

provided outside the boundaries of the district. The fees may not unreasonably exceed the cost to the district of providing the services outside the district.

(c) The board may assess production fees based on the amount of water authorized by permit to be withdrawn from a well or the amount actually withdrawn. The district may assess the fees in lieu of, or in conjunction with, any taxes otherwise imposed by the district. The district may use revenue generated by the fees for any lawful purpose. Production fees may not exceed:

(1) \$1 per acre-foot payable annually for water used for agricultural use; or

(2) \$10 per acre-foot payable annually for water used for any other purpose.

(d) The board may assess a production fee under Subsection (c) for any water that is:

(1) produced under an exemption under Section [36.117](#), Water Code; and

(2) subsequently sold to another person.

(e) The district may not assess a fee of any type on a well if the well's production is used only for domestic, agricultural, or wildlife purposes within the district.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8863.152. TAXES PROHIBITED. The district may not impose taxes in the district.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8863.153. LIMIT ON ISSUANCE OF BONDS AND NOTES. The district may not issue and sell bonds or notes in the name of the district.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.