

SPECIAL DISTRICT LOCAL LAWS CODE
TITLE 6. WATER AND WASTEWATER
SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER
CHAPTER 8870. TRINITY GLEN ROSE GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8870.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Commission" means the Texas Commission on Environmental Quality.
- (3) "Director" means a board member.
- (4) "District" means the Trinity Glen Rose Groundwater Conservation District.

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

Sec. 8870.002. NATURE OF DISTRICT. The district is a groundwater conservation district in the part of Bexar County overlying the Trinity Aquifer and is 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. 8870.003. PURPOSE. The purpose of the district is to develop and implement regulatory, conservation, and recharge programs that preserve and protect the underground water resources located within the district.

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

Sec. 8870.004. 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. 8870.005. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 3, Chapter 1312, Acts of the 77th Legislature, Regular Session, 2001, as that territory may have been modified under:

(1) Subsection (b) or its predecessor statute, former Section 3(b), Chapter 1312, Acts of the 77th Legislature, Regular Session, 2001;

(2) Section [8870.006](#) or [8870.007](#) or their predecessor statutes, former Sections 19 and 19A, Chapter 1312, Acts of the 77th Legislature, Regular Session, 2001;

(3) Subchapter J or K, Chapter [36](#), Water Code; or

(4) other law.

(b) The district may add territory inside the boundaries of the Edwards Aquifer Authority with the consent of the board of directors of the authority in the manner provided by Subchapter [J](#), Chapter [36](#), Water Code.

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

Sec. 8870.006. MUNICIPALITY'S CHOICE OF DISTRICT. (a) If any part of a municipality, a part of which is included within the boundaries of the district, is included within the boundaries of one or more other groundwater conservation districts created by special Act of the 77th Legislature, Regular Session, 2001, and confirmed at a subsequent election called for the purpose, the municipality, not later than August 31, 2004, at an election called for the purpose, may vote to choose the one groundwater conservation district of which it will be a part.

(b) If, after a municipality has held an election authorized by Subsection (a), another groundwater conservation district created by special Act of the 77th Legislature, Regular Session, 2001, that includes any part of the municipality is confirmed at an election called for the purpose and if the district of which the

municipality has chosen to be a part has not issued bonds secured by ad valorem taxes on any land within the boundaries of the municipality, the municipality may hold another election under this section to choose whether to remain within the groundwater conservation district of which it has chosen to be a part or to separate from that district and become part of the newly confirmed groundwater conservation district. The district may hold another election under this section, regardless of the number of previous elections under this section, at any time a district described by Subsection (a) is confirmed.

(c) Section [41.001\(a\)](#), Election Code, does not apply to an election under this section.

(d) This section and the results of an election held under this section prevail over the provisions of any Act of the 77th Legislature, Regular Session, 2001, other than Chapter 1312, Acts of the 77th Legislature, Regular Session, 2001, regardless of the relative dates on which Chapter 1312, Acts of the 77th Legislature, Regular Session, 2001, and the other Act were enacted and became law.

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

Sec. 8870.007. EFFECT OF ANNEXATION OF LAND BY CERTAIN MUNICIPALITIES. (a) In this section:

(1) "Inhabited land" means land on which at least one fixed, permanent, and occupied dwelling is situated, as of the date on which the land is annexed by a municipality.

(2) "Vacant land" means land on which no fixed, permanent, and occupied dwelling is situated, as of the date on which the land is annexed by a municipality.

(b) If a municipality that has held an election under Section [8870.006](#) or its predecessor statute, former Section 19, Chapter 1312, Acts of the 77th Legislature, Regular Session, 2001, subsequently annexes vacant land that is not located in the groundwater conservation district chosen by the municipality in the election, the annexed vacant land by that action:

(1) becomes part of the territory of the groundwater

conservation district chosen by the municipality in the election; and

(2) is disannexed from any other groundwater conservation district in which the land is located.

(c) If a municipality that has held an election under Section 8870.006 or its predecessor statute, former Section 19, Chapter 1312, Acts of the 77th Legislature, Regular Session, 2001, subsequently annexes inhabited land that is not located in the groundwater conservation district chosen by the municipality in the election, the landowners of the annexed inhabited land may file a petition with the groundwater conservation district requesting inclusion in that district as provided by Subchapter J, Chapter 36, Water Code. Notwithstanding Section 36.325(b), Water Code, the petition must be signed by all of the landowners of the land to be annexed by the groundwater conservation district. If the affected landowners do not file a petition as provided by this subsection, the municipality shall hold an election under Section 8870.006 in which the voters in the annexed inhabited land may choose the one groundwater conservation district of which the annexed land will be a part.

(d) Any land annexed by the municipality after an election under Section 8870.006 or its predecessor statute, former Section 19, Chapter 1312, Acts of the 77th Legislature, Regular Session, 2001, and before the effective date of this section is:

(1) territory of the district chosen by the municipality in the election; and

(2) disannexed from any other groundwater conservation district in which the land is located.

(e) A disannexation of a groundwater conservation district's territory under this section does not diminish or impair the rights of the holders of any outstanding and unpaid bonds, warrants, or other obligations of that groundwater conservation district. Property disannexed under this section is not released from its pro rata share of any indebtedness of that groundwater conservation district at the time of the disannexation, and that groundwater conservation district may continue to tax the property until that debt is paid.

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. 8870.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms.
Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8870.052. ELECTION OF DIRECTORS. (a) The district is divided into five numbered, single-member districts for electing directors.

(b) One director is elected from each single-member district. A director elected from a single-member district represents the residents of that single-member district.
Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8870.053. ELECTION DATE. Each even-numbered year, on the uniform election date in May or another date authorized by law, the appropriate number of directors shall be elected.
Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8870.054. QUALIFICATIONS FOR OFFICE. (a) To be qualified to be a candidate for or to serve as director, a person must be a registered voter in the single-member district that the person represents or seeks to represent.

(b) The disqualification of a director is governed by Section [49.052](#), Water Code.
Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8870.055. BOARD VACANCY. (a) The board shall appoint a replacement to fill a vacancy in the office of director.

(b) The appointed replacement serves until the next directors' election.

(c) At that election, a person is elected to fill the position. If the position is not scheduled to be filled at the election, the person elected to fill the position serves only for the remainder of the unexpired term.

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

Sec. 8870.056. REVISION OF SINGLE-MEMBER DISTRICTS.

(a) The board may revise the single-member districts as necessary or appropriate.

(b) The board shall revise each single-member district after each federal decennial census to reflect population changes.

(c) At the first election after the single-member districts are revised, a new director shall be elected from each district. The directors shall draw lots to determine which two directors serve two-year terms and which three directors serve four-year terms.

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. 8870.101. 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 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8870.102. REGULATION OF WELLS. (a) The board may require all or certain types of wells in the district to be registered with the district.

(b) Notwithstanding Section [36.117](#), Water Code:

(1) the production capacity for an exempt well in the district is 10,000 gallons per day or less; and

(2) an exempt domestic well in the district may not serve more than five households.

(c) A well on or serving a tract of land of less than five acres that is installed after September 1, 2001, regardless of whether a plat is required or whether the production capacity of the well is less than 10,000 gallons per day, is not an exempt well.

(d) This section does not affect the exempt status of public water supply wells under Section 8870.103.

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

Sec. 8870.103. PUBLIC WATER SUPPLY WELLS; CERTAIN WELLS EXEMPT FROM REGULATION. (a) A public water supply well is exempt from regulation by the district if:

(1) the well existed on September 1, 2001, and was drilled in compliance with technical requirements in effect at the time the well was drilled; or

(2) the commission approved plans submitted for the installation of the well before September 1, 2001, and the installation of the well was completed in accordance with the approved plans and the commission's technical requirements before September 1, 2002.

(b) For the purposes of Subsection (a)(2), the installation of a well was timely completed if, before September 1, 2002, the well was drilled, cased, and cemented in accordance with the commission's technical requirements and the plans submitted to and approved by the commission before September 1, 2001, even if the well was capped for subsequent placement into service as part of a public water system.

(c) The owner of a public water supply well shall register the well with the district and submit reports to the district. A public water supply well is subject to the district's prohibitions on the waste of groundwater.

(d) The district may not require a construction or operating permit for a public water supply well approved by the commission.

(e) Fees a retail public utility pays to the district shall be collected directly from the customers of the utility as a regulatory fee and shown as a separate line item on the customer's bill.

(f) The district may not prohibit the sale, purchase, lease, or trade of groundwater by a private well owner under this section. Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8870.104. MANAGEMENT PRACTICES; CONSTRUCTION AND MAINTENANCE. The district may:

(1) construct, implement, and maintain best management practices in the district;

(2) engage in and promote the acceptance of best management practices through education efforts sponsored by the district;

(3) include the construction and maintenance of terraces and other structures on land in the district;

(4) engage in and promote land treatment measures for soil conservation and improvement; and

(5) prepare and implement a plan for the control and management of brush within the district.

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

Sec. 8870.105. LIMITATIONS ON DISTRICT POWERS. The district may not:

(1) sell, donate, lease, or otherwise grant rights in or to underground water located in the district unless the action has been approved by a majority vote of district residents; or

(2) enter into any contract or engage in any action to purchase, sell, transport, and distribute surface water or groundwater for any purpose other than a program for aquifer storage and recovery of water.

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

SUBCHAPTER D. FINANCIAL PROVISIONS

Sec. 8870.151. MAINTENANCE AND OPERATION TAX. (a) Except as provided by Subsection (b), the board may impose a maintenance and operation tax if the tax is approved by a majority of the qualified voters voting at an election called and held for that purpose in the manner provided by Section 36.201, Water Code.

(b) If the district imposes a fee under Section 8870.153, the district may not impose a tax under this section.

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

Sec. 8870.152. LIMITATION ON TAXES; PROHIBITED TAXES AND FEES. (a) The district may not assess an ad valorem tax for administrative, operation, and maintenance expenses in excess of three cents for each \$100 valuation.

(b) The district may not impose a tax on or charge a fee to any person in the district who does not obtain water from the Trinity Aquifer.

(c) The district may not impose a fee or tax on:

(1) a municipality that has held an election under Section 8870.006 or its predecessor statute, Section 19, Chapter 1312, Acts of the 77th Legislature, Regular Session, 2001, and obtains at least 50 percent of its annual water supply from a source other than the Trinity Aquifer;

(2) a municipally owned utility, as defined by Section 13.002, Water Code, of a municipality described by Subdivision (1); or

(3) a resident of or other water user within a municipality described by Subdivision (1), whose sole source of water is the municipality or the municipally owned utility of the municipality.

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

Sec. 8870.153. FEES. (a) Except as provided by Subsection (g), the board may impose fees on each nonexempt well in the

district.

(b) A fee may be assessed annually, based on:

- (1) the size of column pipe used in the well;
- (2) the production capacity of the well; or
- (3) actual, authorized, and anticipated pumpage.

(c) A fee imposed under this section may not exceed:

- (1) \$1 per acre-foot for water used for agricultural purposes; or
- (2) \$40 per acre-foot for water used for a purpose other than an agricultural purpose.

(d) The board may use fees as a regulatory mechanism or a revenue-producing mechanism.

(e) The board shall adopt rules regarding:

- (1) fee rates;
- (2) the manner and form for filing reports of fees; and
- (3) the manner of collecting fees.

(f) To secure payment of a fee imposed under this section, a lien attaches to the property on which the well is located. The lien has the same priority and characteristics as a lien for district taxes. The district may use the lien and all other powers that the district possesses to collect the payment of the fee.

(g) If the district imposes a tax under Section [8870.151](#), the district may not impose a fee under this section.

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

Sec. 8870.154. RECHARGE CREDITS. The board shall adopt rules regarding the issuance of appropriate recharge credits to persons in the district who:

- (1) pay taxes or fees to the district; and
- (2) enhance, supplement, improve, or prevent pollution of recharge of the Trinity Aquifer.

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

Sec. 8870.155. USE OF DISTRICT FUNDS. (a) The district may use a tax collected under Section [8870.151](#) or a fee collected under

Section [8870.153](#) to pay for the district's management and operation and to pay all or part of the principal of and interest on district bonds or notes.

(b) The board shall use a tax collected under Section [8870.151](#) or a fee collected under Section [8870.153](#) to pay for:

(1) studies and planning required to develop a scientifically based regulatory program;

(2) soil and water conservation measures, including water-retarding structures and brush management and the implementation of other best management practices to address natural resource concerns in the district;

(3) direct installation of water conservation devices and early retirement of older devices;

(4) educational material relating to soil and water conservation; and

(5) enforcement programs or regulatory programs.

(c) The district may spend a tax collected under Section [8870.151](#) or a fee collected under Section [8870.153](#) for the purposes described by Subsection (b)(2) independently or in conjunction with other natural resource programs in the district.

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