

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 6. WATER AND WASTEWATER

SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER

For contingent expiration of this chapter, see Section 8873.003.

CHAPTER 8873. DEEP EAST TEXAS GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8873.001. 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 Deep East Texas Groundwater Conservation District.

Added by Acts 2013, 83rd Leg., R.S., Ch. 496 (S.B. 1840), Sec. 1, eff. June 14, 2013.

Sec. 8873.002. NATURE OF DISTRICT; FINDINGS. (a) The district is a groundwater conservation district in Sabine, San Augustine, and Shelby Counties created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

(b) The district is created to serve a public use and benefit.

(c) All of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by this chapter and by Chapter 36, Water Code.

Added by Acts 2013, 83rd Leg., R.S., Ch. 496 (S.B. 1840), Sec. 1, eff. June 14, 2013.

Sec. 8873.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8873.023 before September 1, 2015:

(1) the district is dissolved on September 1, 2015, 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 September 1, 2017.

Added by Acts 2013, 83rd Leg., R.S., Ch. 496 (S.B. 1840), Sec. 1, eff. June 14, 2013.

Sec. 8873.004. INITIAL DISTRICT TERRITORY. (a) Except as provided by Subsections (b) and (c), the initial boundaries of the district are coextensive with the boundaries of Sabine, San Augustine, and Shelby Counties.

(b) If the creation of the district is not confirmed by the voters of a county at an election held under Section 8873.023, that county is not included in the district.

(c) If a majority of the voters of the City of Center do not vote at an election under Section 8873.024 in favor of the inclusion in the district of the territory of the city, as that territory exists on the date of the election, the territory of the City of Center is not included in the district.

Added by Acts 2013, 83rd Leg., R.S., Ch. 496 (S.B. 1840), Sec. 1, eff. June 14, 2013.

Sec. 8873.005. ADDITION OF ADJACENT COUNTY TO DISTRICT.

(a) An adjacent county 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 ballot for the election shall be printed to permit voting for or against the proposition: "The addition of (county's

name) to the Deep East Texas 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 2013, 83rd Leg., R.S., Ch. 496 (S.B. 1840), Sec. 1, eff. June 14, 2013.

Sec. 8873.006. LANDOWNERS' RIGHTS. The rights of landowners and their lessees and assigns in groundwater in the district are recognized. Nothing in this chapter shall be construed to deprive or divest the owners or their lessees and assigns of their rights, subject to district rules.

Added by Acts 2013, 83rd Leg., R.S., Ch. 496 (S.B. 1840), Sec. 1, eff. June 14, 2013.

Sec. 8873.007. REVIEW OF RESOLUTION REQUESTING LEGISLATION. The board may not vote on a resolution requesting the legislature to amend this chapter unless the board first submits for review a copy of the proposed resolution to the commissioners court of each county included in the district.

Added by Acts 2013, 83rd Leg., R.S., Ch. 496 (S.B. 1840), Sec. 1, eff. June 14, 2013.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8873.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of seven, five, or three directors appointed as provided by this section.

(b) If the voters in Sabine, San Augustine, and Shelby Counties confirm the creation of the district, seven directors shall be appointed as follows:

(1) the county judge of each confirming county shall appoint two directors who are residents of that county; and

(2) the county judges of the confirming counties shall

by majority vote jointly appoint one director, who shall serve as board chair, from the district at large.

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

(1) the county judge of each confirming county shall appoint two directors who are residents of that county; and

(2) the county judges of the confirming counties shall jointly appoint one director, who shall serve as board chair, from the district at large.

(d) Notwithstanding Section 36.051(a), Water Code, if the voters and the commissioners court of only one county confirm the creation of the district, the county judge of that county:

(1) shall appoint three directors who are residents of that county and designate one of those directors as board chair; and

(2) may appoint two directors, in addition to the three directors appointed under Subdivision (1), who are residents of that county.

(e) Directors serve staggered four-year terms, with as near as possible to one-half of the directors' terms expiring December 31 of each odd-numbered year.

(f) A director may not serve more than two terms.
Added by Acts 2013, 83rd Leg., R.S., Ch. 496 (S.B. 1840), Sec. 1, eff. June 14, 2013.

Sec. 8873.052. CHANGE IN COMPOSITION; ADDITIONAL COUNTY. If a county is added to the district, the board may change the number of directors so that:

(1) an equal number of directors are appointed by the county judge of each county in the district;

(2) one director is appointed jointly by the county judges of each county in the district; and

(3) the board is composed of an odd number of directors.

Added by Acts 2013, 83rd Leg., R.S., Ch. 496 (S.B. 1840), Sec. 1, eff. June 14, 2013.

Sec. 8873.053. QUALIFICATION OF DIRECTORS. Each director must qualify to serve as a director in the manner provided by Section 36.055, Water Code.
Added by Acts 2013, 83rd Leg., R.S., Ch. 496 (S.B. 1840), Sec. 1, eff. June 14, 2013.

Sec. 8873.054. VACANCIES. If a vacancy occurs on the board, the appointing county judge or, if applicable, the appointing county judges for the vacant position shall appoint a person to fill the vacancy in a manner that meets the representational requirements of Section 8873.051. Section 36.051(c), Water Code, does not apply to the district.
Added by Acts 2013, 83rd Leg., R.S., Ch. 496 (S.B. 1840), Sec. 1, eff. June 14, 2013.

Sec. 8873.055. COMPENSATION; REIMBURSEMENT.
(a) Notwithstanding Sections 36.060(a) and (d), Water Code, a director may not receive compensation for performing the duties of director.

(b) A director is entitled to reimbursement of actual expenses reasonably and necessarily incurred while engaging in activities on behalf of the district.
Added by Acts 2013, 83rd Leg., R.S., Ch. 496 (S.B. 1840), Sec. 1, eff. June 14, 2013.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8873.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. Except as provided by this chapter, the district has the powers 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. 496 (S.B. 1840), Sec. 1, eff. June 14, 2013.

Sec. 8873.102. PERMIT TO TRANSFER GROUNDWATER. (a) The

board by rule may:

(1) require a person to obtain a permit from the district to transfer groundwater out of the district; and

(2) regulate the terms of a transfer of groundwater out of the district.

(b) A rule adopted by the board under this section must be consistent with the requirements of Section 36.122, Water Code.

Added by Acts 2013, 83rd Leg., R.S., Ch. 496 (S.B. 1840), Sec. 1, eff. June 14, 2013.

Sec. 8873.103. PROHIBITION ON DISTRICT PURCHASE OF GROUNDWATER RIGHTS. The district may not purchase groundwater rights for any purpose.

Added by Acts 2013, 83rd Leg., R.S., Ch. 496 (S.B. 1840), Sec. 1, eff. June 14, 2013.

Sec. 8873.104. PROHIBITION ON DISTRICT PRODUCTION OF GROUNDWATER FOR PURPOSE OF SALE. The district may not produce groundwater for the purpose of sale.

Added by Acts 2013, 83rd Leg., R.S., Ch. 496 (S.B. 1840), Sec. 1, eff. June 14, 2013.

Sec. 8873.105. PROHIBITION ON DISTRICT METERING OF CERTAIN WELLS. The district may not require that a meter be placed on a well that is incapable of producing more than 25,000 gallons of groundwater per day.

Added by Acts 2013, 83rd Leg., R.S., Ch. 496 (S.B. 1840), Sec. 1, eff. June 14, 2013.

Sec. 8873.106. PROHIBITION ON DISTRICT USE OF EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

Added by Acts 2013, 83rd Leg., R.S., Ch. 496 (S.B. 1840), Sec. 1, eff. June 14, 2013.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8873.151. LIMITATION ON TAXES. The district may not impose ad valorem taxes at a rate that exceeds five cents on each \$100 valuation of taxable property in the district.
Added by Acts 2013, 83rd Leg., R.S., Ch. 496 (S.B. [1840](#)), Sec. 1, eff. June 14, 2013.

Sec. 8873.152. PERMIT FEES REFUNDABLE. The district shall refund a fee collected by the district that relates to an application for or the issuance of a permit if:

(1) the permit relates to a well that is incapable of producing more than 25,000 gallons of groundwater per day; and

(2) the applicant for the permit has complied with the applicable law and district rules relating to the issuance of the permit.

Added by Acts 2013, 83rd Leg., R.S., Ch. 496 (S.B. [1840](#)), Sec. 1, eff. June 14, 2013.