

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 6. WATER AND WASTEWATER

SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER

CHAPTER 8843. HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8843.001. DEFINITIONS. In this chapter:

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

Conservation District.

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

Sec. 8843.002. 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. 8843.003. 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. 8843.004. DISTRICT TERRITORY. The district's boundaries are coextensive with the boundaries of Hays County, excluding any area that on September 1, 2001, was within another groundwater conservation district with authority to require a permit to drill or alter a well for the withdrawal of groundwater, 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. 8843.051. 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 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. 1118 (H.B. 3903), Sec. 1, eff. September 1, 2013.

Sec. 8843.052. 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 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8843.053. 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. 1118 (H.B. 3903), Sec. 2, eff. September 1, 2013.

Sec. 8843.054. QUALIFICATIONS FOR OFFICE. 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.

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

Sec. 8843.055. BOARD VACANCY. If there is a vacancy on the board, the Hays County Commissioners Court shall appoint a director to serve the remainder of the term.

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

Sec. 8843.056. 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 one-year terms and which three directors serve two-year terms.

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

Sec. 8843.057. 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 Hays 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. 8843.101. 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. 8843.103. WELL CONSTRUCTION NOTIFICATION. Notwithstanding Section 8843.104, a landowner must notify the district before the construction of a new well that is to be completed after September 1, 2013.

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. 1118 (H.B. 3903), Sec. 3, eff. September 1, 2013.

Sec. 8843.104. EXEMPT WELLS. (a) Groundwater withdrawals from the following wells may not be regulated, permitted, or metered by the district:

(1) a well used for domestic use by a single private residential household and incapable of producing more than 25,000 gallons per day; and

(2) a well used for conventional farming and ranching activities, including such intensive operations as aquaculture, livestock feedlots, or poultry operations.

(b) The district may not charge or collect a well construction fee for a well described by Subsection (a)(2).

(b-1) A well owner must obtain a permit and pay any required fees, including a well construction fee, before using any groundwater withdrawn from a well for purposes other than those exempted by this section.

(c) A well used for dewatering and monitoring in the production of coal or lignite is exempt from permit requirements, regulations, and fees imposed by the district.

(d) The district may not enter property to inspect an exempt well without the property owner's permission.

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. 1118 (H.B. 3903), Sec. 4, eff. September 1, 2013.

Sec. 8843.105. STANDARDS FOR RESIDENTIAL WELLS. The district may not adopt standards for the construction of a residential well that are more stringent than state standards for a residential well.

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

Sec. 8843.106. ELECTIONS OTHER THAN DIRECTORS' ELECTIONS. An election held by the district, other than an election under Section 8843.053, must be scheduled to coincide with a general election in May or November.

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

SUBCHAPTER D. FINANCIAL PROVISIONS

Sec. 8843.151. WELL CONSTRUCTION FEE. The district may charge and collect a new well construction fee not to exceed \$1,000 for a new well.

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. 1118 (H.B. 3903), Sec. 5, eff. September 1, 2013.

Sec. 8843.1515. PERMIT RENEWAL APPLICATION FEE. The district may charge and collect a permit renewal application fee not to exceed \$400.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1118 (H.B. 3903), Sec. 6, eff. September 1, 2013.

Sec. 8843.152. SERVICE CONNECTION FEE. (a) This section does not apply to a water utility that has surface water as its sole source of water.

(b) The district may levy and collect a water utility service connection fee not to exceed \$1,000 for each new water service connection made after September 1, 2013.

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. 1118 (H.B. 3903), Sec. 7, eff. September 1, 2013.

Sec. 8843.153. TAXES AND OTHER FEES PROHIBITED.

Notwithstanding Section 8843.101 or Subchapter G, Chapter 36, Water Code, the district may not:

- (1) impose a tax; or
- (2) assess or collect any fees except as authorized by Section 8843.151 or 8843.152.

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

Sec. 8843.154. BUDGET. (a) The district shall annually:

- (1) prepare a budget showing proposed expenditures and disbursements and estimated receipts and collections for the next fiscal year; and

- (2) hold a public hearing on the proposed budget.

(b) The district must publish notice of the hearing at least once in a newspaper of general circulation in the county not later than the 10th day before the date of the hearing.

(c) A taxpayer of the district is entitled to appear at the hearing to be heard regarding any item in the proposed budget.

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