

1-1 By: Murr (Senate Sponsor - Flores) H.B. No. 3731
 1-2 (In the Senate - Received from the House April 24, 2023;
 1-3 May 2, 2023, read first time and referred to Committee on Water,
 1-4 Agriculture & Rural Affairs; May 9, 2023, reported favorably by the
 1-5 following vote: Yeas 8, Nays 0; May 9, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the Bandera County River Authority and Groundwater
 1-20 District.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-22 SECTION 1. Subtitle H, Title 6, Special District Local Laws
 1-23 Code, is amended by adding Chapter 8850 to read as follows:

1-24 CHAPTER 8850. BANDERA COUNTY RIVER AUTHORITY AND GROUNDWATER
 1-25 DISTRICT

1-26 SUBCHAPTER A. GENERAL PROVISIONS

1-27 Sec. 8850.0101. DEFINITIONS. In this chapter:

1-28 (1) "Board" means the district's board of directors.

1-29 (2) "Director" means a board member.

1-30 (3) "District" means the Bandera County River
 1-31 Authority and Groundwater District.

1-32 Sec. 8850.0102. NATURE OF DISTRICT. The district is a
 1-33 groundwater conservation district and water control and
 1-34 improvement district created under Section 59, Article XVI, Texas
 1-35 Constitution.

1-36 Sec. 8850.0103. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

1-37 (a) The district is created to serve a public purpose and benefit.

1-38 (b) The district is created to accomplish the purposes of a
 1-39 water control and improvement district and a groundwater
 1-40 conservation district, as provided by general law and Section 59,
 1-41 Article XVI, Texas Constitution.

1-42 Sec. 8850.0104. DISTRICT TERRITORY. The boundaries of the
 1-43 district are coextensive with the boundaries of Bandera County,
 1-44 Texas.

1-45 SUBCHAPTER B. BOARD OF DIRECTORS

1-46 Sec. 8850.0201. COMPOSITION OF BOARD; TERMS. (a) The
 1-47 district is governed by a board of nine directors.

1-48 (b) Directors serve staggered four-year terms.

1-49 Sec. 8850.0202. ELECTION OF DIRECTORS. Two directors are
 1-50 elected from each commissioners precinct. One director is elected
 1-51 at large.

1-52 Sec. 8850.0203. ELECTION DATE. Every two years an election
 1-53 shall be held on the uniform election date in November to elect the
 1-54 appropriate number of directors.

1-55 SUBCHAPTER C. POWERS AND DUTIES

1-56 Sec. 8850.0301. GROUNDWATER CONSERVATION DISTRICT POWERS.

1-57 The district has the powers and duties provided by the general law
 1-58 of this state, including Chapter 36, Water Code, and Section 59,
 1-59 Article XVI, Texas Constitution, applicable to groundwater
 1-60 conservation districts.

1-61 Sec. 8850.0302. LIMIT ON WATER CONTROL AND IMPROVEMENT

2-1 DISTRICT POWERS. The district may exercise the powers of a water
2-2 control and improvement district, including the powers provided by
2-3 Chapters 49 and 51, Water Code, in any area of the district except
2-4 an area that is included in the territory of the Bandera County
2-5 Fresh Water Supply District No. 1.

2-6 Sec. 8850.0303. ABANDONED, DETERIORATED, OPEN, OR
2-7 UNCOVERED WATER WELLS. (a) In this section:

2-8 (1) "Abandoned well" and "deteriorated well" have the
2-9 meanings assigned by Section 1901.255, Occupations Code.

2-10 (2) "Open or uncovered well" has the meaning assigned
2-11 by Section 36.118, Water Code.

2-12 (b) The district may enter into a contract with a licensed
2-13 water well driller to or a district employee may:

2-14 (1) cap an open, uncovered, or abandoned well; or

2-15 (2) plug and permanently close a deteriorated well.

2-16 (c) A district employee may plug a well under Subsection (b)
2-17 only if the employee has received training in the proper method of
2-18 plugging a well located in a karst topographic area.

2-19 (d) The district may require the owner or lessee of land on
2-20 which an open or uncovered well is located to keep the well
2-21 permanently closed or capped as provided by Section 36.118, Water
2-22 Code.

2-23 (e) The district may use any money available to the
2-24 district, including money from grants, fees, or tax revenues, to
2-25 pay reasonable expenses incurred by the district in plugging or
2-26 capping wells on land in the district under this section. The
2-27 reasonable expenses constitute a lien on the land on which the well
2-28 is located in accordance with Section 36.118(e), Water Code.

2-29 (f) The district may enforce this section against any person
2-30 by injunction, mandatory injunction, or other appropriate remedy in
2-31 a court of competent jurisdiction as provided by Section 36.102,
2-32 Water Code.

2-33 Sec. 8850.0304. CONFLICT OF LAWS. To the extent of a
2-34 conflict between Chapter 36 and another chapter of the Water Code
2-35 applicable to the district, Chapter 36 prevails.

2-36 SECTION 2. Section 325.025(b), Government Code, is amended
2-37 to read as follows:

2-38 (b) This section applies to the:

2-39 (1) Angelina and Neches River Authority;

2-40 (2) ~~Bandera County River Authority and Groundwater~~
2-41 ~~District;~~

2-42 ~~[(3)] Brazos River Authority;~~

2-43 (3) ~~[(4)]~~ Guadalupe-Blanco River Authority;

2-44 (4) ~~[(5)]~~ Lavaca-Navidad River Authority;

2-45 (5) ~~[(6)]~~ Lower Colorado River Authority;

2-46 (6) ~~[(7)]~~ Lower Neches Valley Authority;

2-47 (7) ~~[(8)]~~ Nueces River Authority;

2-48 (8) ~~[(9)]~~ Red River Authority of Texas;

2-49 (9) ~~[(10)]~~ Sabine River Authority of Texas;

2-50 (10) ~~[(11)]~~ San Antonio River Authority;

2-51 (11) ~~[(12)]~~ San Jacinto River Authority;

2-52 (12) ~~[(13)]~~ Sulphur River Basin Authority;

2-53 (13) ~~[(14)]~~ Trinity River Authority of Texas;

2-54 (14) ~~[(15)]~~ Upper Colorado River Authority; and

2-55 (15) ~~[(16)]~~ Upper Guadalupe River Authority.

2-56 SECTION 3. The following are repealed:

2-57 (1) Chapter 629, Acts of the 62nd Legislature, Regular
2-58 Session, 1971;

2-59 (2) Chapter 654, Acts of the 71st Legislature, Regular
2-60 Session, 1989;

2-61 (3) Chapter 302, Acts of the 84th Legislature, Regular
2-62 Session, 2015; and

2-63 (4) Chapter 763, Acts of the 85th Legislature, Regular
2-64 Session, 2017.

2-65 SECTION 4. (a) The legislature finds that the Bandera
2-66 County River Authority and Groundwater District was originally
2-67 created by Chapter 629, Acts of the 62nd Legislature, Regular
2-68 Session, 1971, as the Bandera County River Authority, and then
2-69 modified or merged by Chapter 654, Acts of the 71st Legislature,

3-1 Regular Session, 1989, as the Springhills Water Management
3-2 District.

3-3 (b) The legislature further finds that the Springhills
3-4 Water Management District was renamed the Bandera County River
3-5 Authority and Groundwater District in 2003.

3-6 SECTION 5. (a) The legal notice of the intention to
3-7 introduce this Act, setting forth the general substance of this
3-8 Act, has been published as provided by law, and the notice and a
3-9 copy of this Act have been furnished to all persons, agencies,
3-10 officials, or entities to which they are required to be furnished
3-11 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3-12 Government Code.

3-13 (b) The governor has submitted the notice and Act to the
3-14 Texas Commission on Environmental Quality.

3-15 (c) The Texas Commission on Environmental Quality has filed
3-16 its recommendations relating to this Act with the governor, the
3-17 lieutenant governor, and the speaker of the house of
3-18 representatives within the required time.

3-19 (d) All requirements of the constitution and laws of this
3-20 state and the rules and procedures of the legislature with respect
3-21 to the notice, introduction, and passage of this Act are fulfilled
3-22 and accomplished.

3-23 SECTION 6. This Act takes effect September 1, 2023.

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