

By: Hilderbran

H.B. No. 3898

A BILL TO BE ENTITLED

AN ACT

relating to water districts in Bandera County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapter 8872 to read as follows:

CHAPTER 8872. BANDERA COUNTY RIVER AUTHORITY AND GROUNDWATER

DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8872.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Bandera County River Authority and Groundwater District.

Sec. 8872.002. NATURE OF DISTRICT. The district is a groundwater conservation district and water control and improvement district created under Section 59, Article XVI, Texas Constitution.

Sec. 8872.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public purpose and benefit.

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

Sec. 8872.004. DISTRICT TERRITORY. The boundaries of the

district are coextensive with the boundaries of Bandera County, Texas.

[Sections 8872.005-8872.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8872.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of nine directors.

(b) Directors serve staggered four-year terms.

Sec. 8872.052. ELECTION OF DIRECTORS. Two directors are elected from each commissioners precinct. One director is elected at large.

Sec. 8872.053. ELECTION DATE. Every two years an election shall be held on the uniform election date in November to elect the appropriate number of directors.

[Sections 8872.054-8872.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8872.101. GROUNDWATER CONSERVATION DISTRICT POWERS. The district has the powers and duties provided by the general law of this state, including Chapter 36, Water Code, and Section 59, Article XVI, Texas Constitution, applicable to groundwater conservation districts.

Sec. 8872.102. LIMIT ON WATER CONTROL AND IMPROVEMENT DISTRICT POWERS. The district may exercise the powers of a water control and improvement district, including the powers provided by Chapters 49 and 51, Water Code, in any area of the district except an area that is included in the territory of the Bandera County Fresh Water Supply District No. 1.

Sec. 8872.103. CONFLICT OF LAWS. To the extent of a

1 conflict between Chapter 36 and another chapter of the Water Code
2 applicable to the district, Chapter 36 prevails.

3 SECTION 2. The following are repealed:

4 (1) Chapter 629, Acts of the 62nd Legislature, Regular
5 Session, 1971; and

6 (2) Chapter 654, Acts of the 71st Legislature, Regular
7 Session, 1989.

8 SECTION 3. The term of a director elected to the board of
9 the Bandera County River Authority and Groundwater District in May
10 2011 expires on December 1, 2014, and the term of a director elected
11 to the board in May 2013 expires December 1, 2016.

12 SECTION 4. (a) The legislature finds that the Bandera
13 County River Authority and Groundwater District was originally
14 created by Chapter 629, Acts of the 62nd Legislature, Regular
15 Session, 1971, as the Bandera County River Authority, and then
16 modified or merged by Chapter 654, Acts of the 71st Legislature,
17 Regular Session, 1989, as the Springhills Water Management
18 District.

19 (b) The legislature further finds that the Springhills
20 Water Management District was renamed the Bandera County River
21 Authority and Groundwater District in 2003.

22 SECTION 5. (a) The legal notice of the intention to
23 introduce this Act, setting forth the general substance of this
24 Act, has been published as provided by law, and the notice and a
25 copy of this Act have been furnished to all persons, agencies,
26 officials, or entities to which they are required to be furnished
27 under Section 59, Article XVI, Texas Constitution, and Chapter 313,

1 Government Code.

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

4 (c) The Texas Commission on Environmental Quality has filed
5 its recommendations relating to this Act with the governor, the
6 lieutenant governor, and the speaker of the house of
7 representatives within the required time.

8 (d) All requirements of the constitution and laws of this
9 state and the rules and procedures of the legislature with respect
10 to the notice, introduction, and passage of this Act are fulfilled
11 and accomplished.

12 SECTION 6. This Act takes effect September 1, 2013.