

BILL ANALYSIS

Senate Research Center
88R9479 MP-F

H.B. 3731
By: Murr (Flores)
Water, Agriculture & Rural Affairs
5/5/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Bandera County River Authority and Groundwater District (district) was originally created by legislation from 1971 as the Bandera County River Authority and then modified or merged by legislation from 1989 as the Springhills Water Management District with the powers of an underground water conservation district. The management district was renamed the Bandera County River Authority and Groundwater District in 2003. The district's enabling legislation has not been codified and remains two separate legislative acts, one for the river authority and one for the conservation district. As the conservation district, the district regulates the spacing of water wells and their production of water through a well registration and permit program. The district may enforce its groundwater rules with injunctions and civil penalties through the court system. Although the district does not hold any water rights, the district conducts a variety of surface water activities aimed at the conservation and development of natural resources within Bandera County.

The Sunset Advisory Commission reviewed the district in 2022 and determined that the legislation from 1989 that modified or merged the district did not formally combine the conservation district and the river authority. In essence, the legislature created the conservation district with the power to carry out river authority functions but did not clearly abolish the existing river authority. Later legislation has amended the enabling acts of both the conservation district and the river authority, but none of the amendments have clearly merged or abolished either entity. In particular, the river authority's enabling act has been amended to place it under sunset review, but not so with the conservation district's enabling act. Sunset staff has concluded that the river authority is an inactive authority without a governing body, funding, staff, or programs and determined that the legislature should remove the river authority from sunset review. H.B. 3731 seeks to address these issues by codifying the district.

H.B. 3731 amends current law relating to the Bandera County River Authority and Groundwater District.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle H, Title 6, Special District Local Laws Code, by adding Chapter 8850, as follows:

CHAPTER 8850. BANDERA COUNTY RIVER AUTHORITY AND GROUNDWATER DISTRICT

Sets forth language for the creation of the Bandera County River Authority and Groundwater District (district). Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district (Sections 8850.0101-8850.0104);

Size, composition, election, and terms of the board of directors of the district (Sections 8850.0201-8850.0203); and

Powers and duties of the district (Sections 8850.0301-8850.0304).

SECTION 2. Amends Section 325.025(b), Government Code, to delete existing text providing that Section 325.025 (River Authorities Subject to Review) applies to the district and to make nonsubstantive changes.

SECTION 3. Repealer: Chapter 629 (Bandera County River Authority), Acts of the 62nd Legislature, Regular Session, 1971.

Repealer: Chapter 654, Acts of the 71st Legislature, Regular Session, 1989.

Repealer: Chapter 302 (Election Dates for Directors of the Bandera County River Authority and Groundwater District), Acts of the 84th Legislature, Regular Session, 2015.

Repealer: Chapter 763 (Plugging or Capping of Abandoned, Deteriorated, Open, or Uncovered Water Wells in the Bandera County River Authority and Groundwater District), Acts of the 85th Legislature, Regular Session, 2017.

SECTION 4. (a) Provides that the legislature finds that the district was originally created by Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971, as the Bandera County River Authority, and then modified or merged by Chapter 654, Acts of the 71st Legislature, Regular Session, 1989, as the Springhills Water Management District.

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

SECTION 5. Provides that all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 6. Effective date: September 1, 2023.