

BILL ANALYSIS

H.B. 3731
By: Murr
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Bandera County River Authority and Groundwater 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 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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3731 amends the Special District Local Laws Code to codify the Bandera County River Authority and Groundwater District. The bill retains the district's nature as a water control and improvement district but replaces its nature as an underground water conservation district with that of a groundwater conservation district. The bill limits the district's exercise of its powers as a water control and improvement district to only the areas of the district that are not included in

the territory of the Bandera County Fresh Water Supply District No. 1. The bill establishes that to the extent of a conflict between statutory provisions governing groundwater conservation districts and another chapter of the Water Code applicable to the district, the groundwater conservation district provisions prevail.

H.B. 3731 does not retain, in the district's codification, provisions relating to the following:

- certain authority of the district to accept grants or to enter into contracts;
- the lack of necessity to hold hearings regarding exclusions of property and the adoption of a taxation plan;
- required use of a property taxation plan;
- reimbursement for district directors and their lack of entitlement to compensation;
- district officers and employees;
- adoption of a district seal;
- the incontestable nature of district bonds;
- relocation, raising, lowering, rerouting, or changes in grade or alteration of construction at the district's sole expense;
- district exemption from the Municipal Annexation Act;
- district bonding authority, including requirements for issuance of construction bonds;
- district elections; and
- district exemption from taxation or assessment.

H.B. 3731 amends the Government Code to remove the district from the list of river authorities subject to limited review under the Texas Sunset Act.

H.B. 3731 includes certain legislative findings regarding the district's history.

H.B. 3731 repeals the following provisions:

- Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971;
- Chapter 654, Acts of the 71st Legislature, Regular Session, 1989;
- Chapter 302, Acts of the 84th Legislature, Regular Session, 2015; and
- Chapter 763, Acts of the 85th Legislature, Regular Session, 2017.

EFFECTIVE DATE

September 1, 2023.