

By: Murr

H.B. No. 3731

A BILL TO BE ENTITLED

AN ACT

relating to the Bandera County River Authority and Groundwater District.

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 8850 to read as follows:

CHAPTER 8850. BANDERA COUNTY RIVER AUTHORITY AND GROUNDWATER

DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8850.0101. 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. 8850.0102. 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. 8850.0103. 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.

1       Sec. 8850.0104. DISTRICT TERRITORY. The boundaries of the  
2 district are coextensive with the boundaries of Bandera County,  
3 Texas.

4                   SUBCHAPTER B. BOARD OF DIRECTORS

5       Sec. 8850.0201. COMPOSITION OF BOARD; TERMS. (a) The  
6 district is governed by a board of nine directors.

7       (b) Directors serve staggered four-year terms.

8       Sec. 8850.0202. ELECTION OF DIRECTORS. Two directors are  
9 elected from each commissioners precinct. One director is elected  
10 at large.

11       Sec. 8850.0203. ELECTION DATE. Every two years an election  
12 shall be held on the uniform election date in November to elect the  
13 appropriate number of directors.

14                   SUBCHAPTER C. POWERS AND DUTIES

15       Sec. 8850.0301. GROUNDWATER CONSERVATION DISTRICT POWERS.  
16 The district has the powers and duties provided by the general law  
17 of this state, including Chapter 36, Water Code, and Section 59,  
18 Article XVI, Texas Constitution, applicable to groundwater  
19 conservation districts.

20       Sec. 8850.0302. LIMIT ON WATER CONTROL AND IMPROVEMENT  
21 DISTRICT POWERS. The district may exercise the powers of a water  
22 control and improvement district, including the powers provided by  
23 Chapters 49 and 51, Water Code, in any area of the district except  
24 an area that is included in the territory of the Bandera County  
25 Fresh Water Supply District No. 1.

26       Sec. 8850.0303. ABANDONED, DETERIORATED, OPEN, OR  
27 UNCOVERED WATER WELLS. (a) In this section:

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

3           (2) "Open or uncovered well" has the meaning assigned  
4 by Section 36.118, Water Code.

5           (b) The district may enter into a contract with a licensed  
6 water well driller to or a district employee may:

7                 (1) cap an open, uncovered, or abandoned well; or

8                 (2) plug and permanently close a deteriorated well.

9           (c) A district employee may plug a well under Subsection (b)  
10 only if the employee has received training in the proper method of  
11 plugging a well located in a karst topographic area.

12           (d) The district may require the owner or lessee of land on  
13 which an open or uncovered well is located to keep the well  
14 permanently closed or capped as provided by Section 36.118, Water  
15 Code.

16           (e) The district may use any money available to the  
17 district, including money from grants, fees, or tax revenues, to  
18 pay reasonable expenses incurred by the district in plugging or  
19 capping wells on land in the district under this section. The  
20 reasonable expenses constitute a lien on the land on which the well  
21 is located in accordance with Section 36.118(e), Water Code.

22           (f) The district may enforce this section against any person  
23 by injunction, mandatory injunction, or other appropriate remedy in  
24 a court of competent jurisdiction as provided by Section 36.102,  
25 Water Code.

26           Sec. 8850.0304. CONFLICT OF LAWS. To the extent of a  
27 conflict between Chapter 36 and another chapter of the Water Code

applicable to the district, Chapter 36 prevails.

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

(b) This section applies to the:

(1) Angelina and Neches River Authority;

~~(2) [Bandera County River Authority and Groundwater District];~~

~~[(3)]~~ Brazos River Authority;

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

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

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

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

(7) ~~[(8)]~~ Nueces River Authority;

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

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

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

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

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

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

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

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

SECTION 3. The following are repealed:

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

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

(3) Chapter 302, Acts of the 84th Legislature, Regular

1 Session, 2015; and

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

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

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

14 SECTION 5. (a) The legal notice of the intention to  
15 introduce this Act, setting forth the general substance of this  
16 Act, has been published as provided by law, and the notice and a  
17 copy of this Act have been furnished to all persons, agencies,  
18 officials, or entities to which they are required to be furnished  
19 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
20 Government Code.

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

23 (c) The Texas Commission on Environmental Quality has filed  
24 its recommendations relating to this Act with the governor, the  
25 lieutenant governor, and the speaker of the house of  
26 representatives within the required time.

27 (d) All requirements of the constitution and laws of this

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1 state and the rules and procedures of the legislature with respect  
2 to the notice, introduction, and passage of this Act are fulfilled  
3 and accomplished.

4 SECTION 6. This Act takes effect September 1, 2023.