

BILL ANALYSIS

Senate Research Center
83R2018 SLB-F

H.B. 3898
By: Hilderbran (Fraser)
Natural Resources
5/15/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties note that the Bandera County River Authority and Groundwater District was originally created several decades ago as the Bandera County River Authority and was later modified and merged with the Springhills Water Management District, which was later renamed as the Bandera County River Authority and Groundwater District. The parties note that the district's enabling legislation has not been codified and remains two separate legislative acts, one for the Bandera County River Authority and the other for the Springhills Water Management District.

H.B. 3898 amends current law relating to water districts in Bandera County.

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 8872, as follows:

CHAPTER 8872. BANDERA COUNTY RIVER AUTHORITY AND GROUNDWATER DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8872.001. DEFINITIONS. Defines, in this chapter, "board," "director," and "district."

Sec. 8872.002. NATURE OF DISTRICT. Provides that the Bandera County River Authority and Groundwater District (district) is a groundwater conservation district and water control and improvement district created under Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI, Texas Constitution.

Sec. 8872.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) Creates the district to serve a public purpose and benefit.

(b) Provides that 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. Provides that the boundaries of the district are coextensive with the boundaries of Bandera County, Texas.

[Reserves Sections 8872.005-8872.050 for expansion.]

SUBCHAPTER B. BOARD OF DIRECTORS

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

(b) Provides that directors serve staggered four-year terms.

Sec. 8872.052. ELECTION OF DIRECTORS. Provides that two directors are elected from each commissioners precinct and one director is elected at large.

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

[Reserves Sections 8872.054-8872.100 for expansion.]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8872.101. GROUNDWATER CONSERVATION DISTRICT POWERS. Provides that the district has the powers and duties provided by the general law of this state, including Chapter 36 (Groundwater Conservation Districts), 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. Authorizes the district to exercise the powers of a water control and improvement district, including the powers provided by Chapters 49 (Provisions Applicable to All Districts) and 51 (Water Control and Improvement Districts), 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. Provides that to the extent of a conflict between Chapter 36 and another chapter of the Water Code applicable to the district, Chapter 36 prevails.

SECTION 2. Repealer: Chapter 629 (relating to the creation of the Bandera County River Authority of Bandera County), Acts of the 62nd Legislature, Regular Session, 1971.

Repealer: Chapter 654 (relating to the creation of the Springhills Water Management District), Acts of the 71st Legislature, Regular Session, 1989.

SECTION 3. Provides that the term of a director elected to the board of the district in May 2011 expires on December 1, 2014, and the term of a director elected to the board in May 2013 expires December 1, 2016.

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 the 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, 2013.