

BILL ANALYSIS

C.S.H.B. 3538
By: Gallego
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Culberson County Groundwater Conservation District believes legislation is necessary to cover the aquifers that are unique to Culberson County. They include The Capitan Reef, Rustler, a portion of the Edwards Trinity in the Southwestern portion of the county, and a large amount of the West Texas Bolsons. In keeping the boundaries as they now exist, a large portion of the Capitan Reef, the entire Rustler and the portion of the Edwards Trinity are not included. The district believes this is a potential problem in groundwater management. This hinders any current efforts to protect historic users and keep a sustainable approach to maintain the aquifers. Any property that is not the district is subject to rule of capture.

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

SECTION 1. Chapter 1075, Acts of the 75th Legislature, Regular Session, 1997, is amended by adding Section 3A which holds that in addition to the portions of Culberson County included in the boundaries of the district on August 31, 2005, the boundaries of the district include all remaining territory in Culberson County.

SECTION 2. (a) This section holds that the new territory added to the district by this Act is subject to ratification at an election held under Section 36.328, Water Code, and this section.

(b) The board of directors of the Culberson County Groundwater Conservation District shall hold the ratification election on the first uniform election date that occurs after the effective date of this Act that allows for compliance with the time requirements of the Election Code.

(c) If the majority of the vote is in favor of the annexation, the Culberson County Groundwater Conservation District boundaries will include all of Culberson County territories.

(d) If the majority of the vote is not in favor of the annexation, the Culberson County Groundwater Conservation District boundaries will remain unchanged and this Act expires.

EFFECTIVE DATE

This Act takes effect September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

The committee substitute states that the ratification election be "held under Section 36.328, Water Code, and this section in which only the voters residing in the territory to be annexed are eligible to vote." The introduced language stated that an election be "held in the annexed territory under Section 36.328, Water Code, and this section." This change was requested because there are no polling places in the territories to be annexed. The only current polling

location in Culberson County is located in Van Horn, the County Seat. The new language allows the board of directors to hold the election in Van Horn instead of in the territory to be annexed.