

BILL ANALYSIS

H.B. 3564
By: Chavez
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, board of directors of the El Paso County Water Improvement District No. 1 are elected at large. This bill would create single-member districts in the El Paso County Water Improvement District. Single-member districts guaranty proportional representation for all voters living in the water improvement district, thus provide more accountability within the El Paso County Water Improvement District No. 1.

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 Amends Subtitle J, Title 6, Special District Laws Code by adding Chapter 9303 to read as follows:

CHAPTER 9303. EL PASO COUNTY WATER IMPROVEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9303.001. DEFINITIONS. In this chapter:

- (1) "Board" means the board of directors of the district.
- (2) "District means the El Paso County Water Improvement District No. 1.

[Sections 9303.002-9303.050 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE AND ELECTION PROVISIONS

Section 9303.051. DIRECTORS; TERMS. The district is governed by a board of five directors. Directors serve staggered four-year terms, with two or three directors' terms expiring on each expiration date.

Section 9303.052. SINGLE-MEMBER DISTRICTS. (a) The board shall divide the district into five numbered, single-member districts for directors' elections held after December 1, 2005. Each single-member district must be compact and contiguous, and the districts must contain nearly as practicable equal populations.

(b) The board shall provide for one director to be elected from each single-member district.

(c) A director elected from a single-member district represents the residents of the single-member district.

Section 9303.053 DIRECTOR QUALIFICATIONS. (a) Except as provided by Section 9303.056, to be eligible to be a candidate for or to serve as a director, a person must be:

(1) A registered voter in the single-member district the person represents or seeks to represent; or

(2) A registered voter of this state who owns land subject to taxation in the single-member district the person represents or seeks to represent.

(b) A person is ineligible to be a candidate for or to serve as a director of the district if the person is employed as the general manager of the district and the person's annual compensation as general manager exceeds \$50,000.

Section 9303.054 APPLICATION TO GET ON BALLOT. (a) A candidate for the office of director or other elective office may file an application with the secretary of the board to have the candidate's name printed on the election ballot.

(b) A candidate for director shall indicate on the application the single-member district the candidate seeks to represent.

(c) The application must be signed by the candidate or by at least 10 qualified voters of the district and must be filed not later than 5 p.m. of the 45th day before the date of the election.

(d) Only a candidate for whom an application is filed under this section may have the candidate's name printed on the ballot. This section, however, does not prevent write-in votes.

Section 9303.055 REVISIONS TO SINGLE-MEMBER DISTRICTS. (a) The board may revise the single-member districts as necessary or appropriate.

(b) The board shall revise each single-member district after each federal decennial census to reflect population changes.

Section 9303.056. EFFECT OF BOUNDARY CHANGES ON DIRECTORS. When boundaries of the single-member districts are redrawn, a director in office on the effective date of the change, or elected or appointed on or after the effective date of the change shall serve the term or the remainder of the term in the single-member district to which elected or appointed even though the change in boundaries places the director's residence or land outside the single-member district the director was elected or appointed to represent.

Section 9303.057. VOTER ELIGIBILITY. (a) To be eligible to vote in a district election, a person must:

(1) be eligible to vote under Section 11.001, Election Code; or

(2) be a qualified voter as defined by Section 11.002, Election Code on the day of the election and own land in the territory covered by the election for the office or measure on which the person desires to vote.

(b) For purposes of eligibility to vote under Subsection (a)(2), if a person owns land in more than one single-member district, the person may vote only in the single-member district containing the largest amount of land owned by the person.

SECTION 2. (a) The board of directors of the El Paso County Water Improvement District No. 1 shall divide the district into single-member districts as required by this Act not later than December 1, 2005.

(b) At the first regularly scheduled election of directors, held after December 1, 2005 for the El Paso County Water Improvement District No. 1, five directors shall be elected, one from each single-member district. The newly elected directors shall draw lots to determine which two directors serve two years and which three directors serve terms of four years.

(c) The terms of the directors of the El Paso County Water Improvement District No.1 serving on the date of the election described by Subsection (b) of this section expire on the date on which a majority of the directors elected in that election qualify to serve.

SECTION 3. The changes in laws affecting eligibility for service as a director made by this Act apply only to a person elected director or appointed to fill a vacant position as director of the El Paso County Water Improvement District No. 1 on or after the first regularly scheduled election of directors held after December 1, 2005. A person elected or appointed director before the first regularly scheduled election of directors held after December 1, 2005 is governed by the law in effect at the time of the election or appointment, and that law is continued in effect for that purpose.

SECTION 4. (a) The legal notice of the intention to introduce this Act, has been published as provided by law, and the notice a copy of this Act have been furnished to all persons, agencies officials or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

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

(d) 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 5. This Act takes effect September 1, 2005.

EFFECTIVE DATE

September 1, 2005.