

By: Chavez

H.B. No. 3564

A BILL TO BE ENTITLED

AN ACT

relating to elections, including the election of directors, in the El Paso County Water Improvement District No. 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle J, Title 6, Special District Local Laws Code, is amended 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

Sec. 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.

Sec. 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

1 districts must contain as nearly as practicable equal populations.

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

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

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

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

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

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

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

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

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

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

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

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

9 Sec. 9303.056. EFFECT OF BOUNDARY CHANGES ON DIRECTORS.
10 When the boundaries of the single-member districts are redrawn, a
11 director in office on the effective date of the change, or elected
12 or appointed before the effective date of the change to a term of
13 office beginning on or after the effective date of the change, shall
14 serve the term or the remainder of the term in the single-member
15 district to which elected or appointed even though the change in
16 boundaries places the director's residence or land outside the
17 single-member district the director was elected or appointed to
18 represent.

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

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

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

27 (b) For purposes of eligibility to vote under Subsection

1 (a)(2), if a person owns land in more than one single-member
2 district, the person may vote only in the single-member district
3 containing the largest amount of land owned by the person.

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

8 (b) At the first regularly scheduled election of directors
9 held after December 1, 2005, for the El Paso County Water
10 Improvement District No. 1, five directors shall be elected, one
11 from each single-member district. The newly elected directors
12 shall draw lots to determine which two directors serve terms of two
13 years and which three directors serve terms of four years. At
14 subsequent elections, the appropriate number of directors shall be
15 elected to serve four-year terms.

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

21 SECTION 3. The changes in laws affecting eligibility for
22 service as a director made by this Act apply only to a person
23 elected director or appointed to fill a vacant position as director
24 of the El Paso County Water Improvement District No. 1 on or after
25 the first regularly scheduled election of directors held after
26 December 1, 2005. A person elected or appointed director before the
27 first regularly scheduled election of directors held after December

1 1, 2005, is governed by the law in effect at the time of the election
2 or appointment, and that law is continued in effect for that
3 purpose.

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

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

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

18 (d) All requirements of the constitution and laws of this
19 state and the rules and procedures of the legislature with respect
20 to the notice, introduction, and passage of this Act are fulfilled
21 and accomplished.

22 SECTION 5. This Act takes effect September 1, 2005.