

BILL ANALYSIS

S.B. 832
By: Rodriguez
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

S.B. 832 brings the El Paso County Water Improvement District No. 1 (district) in line with the majority of other irrigation districts in Texas. This bill only affects El Paso and allows the district's taxpayers to vote in the election of the district's board members.

The district was formed in 1917 and exists to provide irrigation water to agricultural land; it does not provide any potable water or sewer services. The district is a special purpose district with taxes paid only by those people who own irrigable land in the district and receive irrigable water. Currently, the majority of voters within the irrigation district are non-taxpayers.

S.B. 832 reserves voting rights in the district to a person who is 18 years of age or older, is a United States citizen, holds title to or an interest in title to irrigable land within the boundaries of the district, and receives and uses irrigation water delivered through the district's canal system.

Currently, the majority of the district's taxes are paid by farmers and people who make a living off the land. The tax payments are proportional to the amount of land owned and the amount of water used. Any unreasonable increase in district taxes will cause many of these farmers to go out of business and farm workers to lose their jobs. These farms form the economic foundation for rural communities like Anthony, Canutillo, Clint, Socorro, Fabens, and Tornillo.

The provisions in S.B. 832 will facilitate registering voters. Currently, the district maintains the list of people living within the boundaries of the district. During each election and at the time each person votes, the district must verify that each voter lives within the district's boundaries. The district must do such because the county does not maintain a record of the people who live in the district, the names of landowners within the district, or the location of the district's boundaries. S.B. 832 requires an eligible voter to register with the district not less than 30 days before the election and requires the district to provide a list of certified voters to the El Paso County Elections office 25 days prior to any election. This will ensure that both the district and the county have the registered voter list and will allow the district to potentially contract with the county to run the district's elections. The 30-day period is required for the district and the county to process all registration forms and have an accurate list available in time for early voting.

Additionally, S.B. 832 requires that between 90 and 60 days before an election, the district publish notice of the voter eligibility and registration requirements changed by S.B. 832.

S.B. 832 amends current law relating to voter eligibility and registration in 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 Local Laws Code, by adding Chapter 9303, as follows:

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

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9303.001. DEFINITION. Defines "district" in this chapter as the El Paso County Water Improvement District No. 1.

[Reserves Sections 9303.002-9303.050 for expansion.]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 9303.051. VOTER ELIGIBILITY. (a) Provides that an individual is eligible to vote in a district election only if the individual is 18 years of age or older, is a United States citizen, holds title to or an interest in title to irrigable land within the boundaries of the district, and receives and uses irrigation water delivered by the district through the district's canal system.

(b) Requires that an individual eligible to vote under Subsection (a), to vote in a district election, register with the district not later than the 30th day before the date on which the district election is held.

(c) Requires the district to file with the county clerk of El Paso County a certified copy of the list of the district's registered voters not later than the 25th day before the date on which a district election is held.

Sec. 9303.052. DISTRICT PUBLICATION OF NOTICE CONCERNING VOTER ELIGIBILITY AND REGISTRATION. Requires the district, not later than the 60th day and not earlier than the 90th day before the date of each district election, to publish notice of the voter eligibility and registration requirements provided by Section 9303.051.

SECTION 2. Provides for the effective date of this Act.

EFFECTIVE DATE

This Act takes effect September 1, 2011.