

## BILL ANALYSIS

Senate Research Center  
77R9672 PAM-D

C.S.S.B. 884  
By: Lucio  
Natural Resources  
3/14/2001  
Committee Report (Substituted)

### DIGEST AND PURPOSE

Currently, many farmers, ranchers, and other landowners are moving to towns or subdivided properties that are no longer within the boundaries of irrigation districts, and by current law, only residents of the district may vote in the elections of the district. Therefore, many farmers, ranchers, and landowners that are recipients of the services and water of the district and contributors of the funds associated with taxes, assessments, and water deliveries are unable to participate in the election process. C.S.S.B. 884 allows a landowner to vote in district elections without residing in the district. The bill also allows a landowner to choose a representative to cast the landowner's vote.

### 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 Chapter 58, Water Code, by adding Subchapter E, as follows:

#### SUBCHAPTER E. ELECTION PROVISIONS

Sec. 58.221. LANDOWNER. Defines "landowner" to refer to a single landowner who is the owner of record of fee simple title to a parcel of land located within the boundaries of an irrigation district, regardless of whether the title to the parcel of land is held by an individual landowner, two or more individual landowners, or a corporation, partnership, or other business entity.

Sec. 58.222. ELIGIBILITY TO VOTE. Entitles a landowner or the landowner's registered representative under this subchapter, notwithstanding the Election Code and any other law, to one vote in an election conducted by an irrigation district only if the landowner satisfies certain requirements.

Sec. 58.223. ELIGIBILITY REQUIREMENTS. Sets forth eligibility requirements for a landowner or the landowner's registered representative to vote.

Sec. 58.224. REGISTRATION REQUIRED. (a) Requires a landowner who elects to designate a representative to vote on behalf of the landowner to register the representative to vote on a form prescribed by the district.

(b) Requires the form to be received by the district on or before the 20th day before the date of the election.

(c) Provides that the registration is valid for a period prescribed by the district.

(d) Requires the district to prepare a list of qualified voters as shown by the district's

records as of the 60th day before the date of a district election. Requires the district, on or before the 40th day before the date of an election to carry out certain duties.

(e) Provides that only an individual landowner or a registered representative of a landowner whose name appears on the list of qualified voters is eligible to vote in a district election.

Sec. 58.225. VOTING BY REPRESENTATIVE. (a) Authorizes a landowner to authorize an individual to vote in a district election as the landowner's representative as provided by this subchapter.

(b) Requires the vote to be made by a registered representative if ownership of the land is vested in more than one individual or by a corporation, partnership, or other business entity.

Sec. 58.226. LIABILITY FOR DISTRICT TAXES AND DEBTS. (a) Provides that a person who on January 1 of each year is not eligible under this subchapter to vote in an election held by a district is not liable for any tax imposed by the district under Subchapter L or M during the year in which the person is not eligible to vote.

(b) Provides that a person continues to be liable for the payment of certain taxes and fees.

SECTION 2. Effective date: September 1, 2001.

### **SUMMARY OF COMMITTEE CHANGES**

Differs from original as follows:

- In proposed Section 58.221, C.S.S.B. 884 adds language relating to a single landowner who is the owner of record of fee simple title to a parcel of land located within the boundaries for a district, where in the original it refers to a single landowner who holds fee simple title to a parcel of land.
- In proposed Section 58.222, C.S.S.B. 884 adds language to include that the landowner's registered representative is entitled to one vote in an election conducted by a district under certain conditions. Adds language to the conditions under which a landowner or the landowner's representative is entitled to vote in an election to specify that the landowner owns at least one acre of irrigable land located within the district's boundaries that is subject to an assessment for maintenance and operating expenses under Sections 58.305(a) and (b).
- In proposed Section 58.223, C.S.S.B. 884 adds language to one of the requirements for an individual to vote to include that the individual must be included on the list of qualified voters prepared under Section 58.224(d).
- In proposed Section 58.224, C.S.S.B. 884 changes the language in Subsection (a) to require a landowner who elects to designate a representative to vote on behalf of the landowner to register the representative to vote on a form prescribed by the district. In Subsection (b) it changes the day by which the form is required to be received from the 30th day before the date of the election to the 20th day before the date of the election. It adds a new Subsection (d) relating to the district preparing a list of qualified voters.
- In proposed Section 58.225, C.S.S.B. 884 changes the language from "If fee simple title to the land is held by more than one individual or by a corporation, partnership, or

other business entity” to “If ownership of the land is vested in more than one individual or in a corporation, partnership, or other business entity.”

- C.S.S.B. 884 adds a new Section 58.266 relating to liability for district taxes and debts.