

By: Madla

S.B. No. 445

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requiring a certified copy of an order creating or
3 dividing a water district to be filed with the county clerk.

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

5 SECTION 1. Section 51.021, Water Code, is amended by adding
6 Subsection (d) to read as follows:

7 (d) If the commissioners court or the commission grants the
8 petition requesting the creation of a district, within 15 days
9 after the date of the order the commissioners court or the
10 commission, as appropriate, shall file with the county clerk, for
11 filing in the county deed records of each county in which a part of
12 the district is located, the order creating the district. The
13 filing must explain that the order creating the district must be
14 confirmed and ratified by an election.

15 SECTION 2. Section 51.032(b), Water Code, is amended to
16 read as follows:

17 (b) A certified copy of the order of the commission granting
18 a petition and naming the directors shall be filed within 15 days
19 after the date of the order in the office of the county clerk for
20 filing in the county deed records of each county in which a portion
21 of the district is located. The filing must explain that the order
22 creating the district must be confirmed and ratified by an
23 election.

24 SECTION 3. Section 51.749, Water Code, is amended by adding

1 Subsection (d) to read as follows:

2 (d) If the division of the original district is approved by
3 a majority of the qualified voters of the district voting in the
4 election, within 15 days after the date of the election the board of
5 the original district shall file with the county clerk, for filing
6 in the county deed records of each county in which a part of the
7 district is located, an order declaring the results of the election
8 and dividing the original district.

9 SECTION 4. Subchapter B, Chapter 53, Water Code, is amended
10 by adding Section 53.0195 to read as follows:

11 Sec. 53.0195. FILING OF ORDER. If the commissioners court
12 grants a petition requesting the creation of a district, within 15
13 days after the date of the order the commissioners court shall file
14 with the county clerk, for filing in the county deed records of each
15 county in which a part of the district is located, the order
16 creating the district. The filing must explain that the order
17 creating the district must be confirmed and ratified by an
18 election.

19 SECTION 5. Section 53.040, Water Code, is amended to read as
20 follows:

21 Sec. 53.040. ELECTED SUPERVISORS TAKE OFFICE. If the
22 election results in a division of the district, the five candidates
23 receiving the most votes in each new district shall be declared
24 elected. They shall immediately qualify in accordance with Section
25 49.055. The newly elected supervisors in each new district shall
26 immediately file with the county clerk, for filing in the county
27 deed records of each county in which a part of the district is

1 located, an order declaring the results of the election and
2 dividing the original district.

3 SECTION 6. Section 54.021, Water Code, is amended by adding
4 Subsection (f) to read as follows:

5 (f) If the commission grants the petition requesting the
6 creation of a district, within 15 days after the date of the order
7 the commission shall file with the county clerk, for filing in the
8 county deed records of each county in which a part of the district
9 is located, the order creating the district. The filing must
10 explain that the order creating the district must be confirmed and
11 ratified by an election.

12 SECTION 7. (a) This Act takes effect September 1, 2003.

13 (b) If, before September 1, 2003, the Texas Commission on
14 Environmental Quality, a county commissioners court, or the
15 governing body of a district by order has granted a petition for or
16 authorized the creation or division of a district, subject to a
17 confirmation election, and the election has not been held before
18 that date, the commission, commissioners court, or governing body,
19 as appropriate, not later than September 16, 2003, shall comply
20 with the filing requirements of Sections 51.021(d), 51.749(d),
21 53.0195, and 54.021(f), Water Code, as added by this Act, and
22 Sections 51.032(b) and 53.040, Water Code, as amended by this Act.