

1 AN ACT  
2 relating to the authority of the Williamson County Municipal  
3 Utility District No. 21 to extend the time limit for holding a  
4 confirmation and initial directors' election and to divide into two  
5 districts.

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

7 SECTION 1. Section 8132.003, Special District Local Laws  
8 Code, is amended to read as follows:

9 Sec. 8132.003. CONFIRMATION ELECTION REQUIRED. If the  
10 creation of the district is not confirmed at a confirmation  
11 election held under Section 8132.023 before September 1, 2013  
12 [~~2009~~]:

13 (1) the district is dissolved September 1, 2013  
14 [~~2009~~], except that:

- 15 (A) any debts incurred shall be paid;
- 16 (B) any assets that remain after the payment of  
17 debts shall be transferred to Williamson County; and
- 18 (C) the organization of the district shall be  
19 maintained until all debts are paid and remaining assets are  
20 transferred; and

21 (2) this chapter expires September 1, 2016 [~~2012~~].

22 SECTION 2. Section 8132.021, Special District Local Laws  
23 Code, is amended by amending Subsection (d) and adding Subsections  
24 (e) and (f) to read as follows:

1 (d) Temporary directors serve until the earlier of:

2 (1) the date initial directors are elected under  
3 Section 8132.023; or

4 (2) September 1, 2009 [~~the date this chapter expires~~  
5 ~~under Section 8132.003~~].

6 (e) If initial directors have not been elected under Section  
7 8132.023 and the terms of the temporary directors have expired,  
8 successor temporary directors shall be appointed or reappointed as  
9 provided by Subsection (f) to serve terms that expire on the earlier  
10 of:

11 (1) the date initial directors are elected under  
12 Section 8132.023; or

13 (2) the fourth anniversary of the date of the  
14 appointment or reappointment.

15 (f) If Subsection (e) applies, the owner or owners of a  
16 majority of the assessed value of the real property in the district  
17 may submit a petition to the Texas Commission on Environmental  
18 Quality requesting that the commission appoint as successor  
19 temporary directors the five persons named in the petition. The  
20 commission shall appoint as successor temporary directors the five  
21 persons named in the petition.

22 SECTION 3. Section 8132.025, Special District Local Laws  
23 Code, is amended to read as follows:

24 Sec. 8132.025. EXPIRATION OF SUBCHAPTER. This subchapter  
25 expires September 1, 2016 [~~2012~~].

26 SECTION 4. Chapter 8132, Special District Local Laws Code,  
27 is amended by adding Subchapter D to read as follows:

1           SUBCHAPTER D. ONE-TIME DIVISION OF DISTRICT

2           Sec. 8132.151. AUTHORITY TO DIVIDE DISTRICT. The district  
3 may be divided into two districts in accordance with this  
4 subchapter after the creation of the district has been confirmed at  
5 an election under Section 8132.023 if:

6           (1) the district does not have any outstanding debt  
7 secured by district taxes or revenue;

8           (2) the district has not annexed land or been divided;  
9 and

10           (3) each new district created by the division contains  
11 at least 100 acres.

12           Sec. 8132.152. DIVISION PROCEDURES. (a) The board may  
13 consider a proposal to divide the district on its own motion or on  
14 receipt of a petition to that effect from a district landowner.

15           (b) The board may adopt a resolution to divide the district  
16 into two districts named Williamson County Municipal Utility  
17 District No. 21-A and Williamson County Municipal Utility District  
18 No. 21-B. The resolution must include:

19           (1) the names of and a metes and bounds description of  
20 the territory of the two new districts; and

21           (2) the terms and conditions of the division,  
22 including a plan that:

23           (A) ensures current obligations of the district  
24 are not impaired by providing for the payment or performance of any  
25 outstanding district obligations; and

26           (B) provides for the assumption of any district  
27 obligations under an agreement with or resolution adopted by a

1 municipality having jurisdiction over the creation of the district  
2 consenting to the creation of the district, to the extent that the  
3 agreement or resolution:

4 (i) is applicable;

5 (ii) is not contrary to any other law or  
6 provision of this chapter; and

7 (iii) does not impose obligations that  
8 limit the district's powers and authority to issue bonds for any  
9 purpose authorized under this chapter.

10 (c) Not later than the 30th day after the date the board  
11 adopts a resolution dividing the district, the board shall provide  
12 a copy of the resolution and the names of the temporary directors of  
13 the new districts to:

14 (1) the Texas Commission on Environmental Quality;

15 (2) the attorney general;

16 (3) the Commissioners Court of Williamson County; and

17 (4) any municipality having extraterritorial  
18 jurisdiction over land in the original district.

19 Sec. 8132.153. GOVERNING NEW DISTRICTS. (a) The new  
20 districts are separate districts and shall be governed as separate  
21 districts.

22 (b) Until the 91st day after the date the board adopts a  
23 resolution dividing the district, the board shall continue to act  
24 on behalf of the district to wind up the affairs of the district.

25 (c) The district directors shall act as temporary directors  
26 of one of the new districts and shall appoint five individuals to  
27 serve as temporary directors of the other new district. A temporary

1 director is not required to own land in either of the new districts.  
2 A temporary director shall qualify for and assume office not later  
3 than the 90th day after the date the board adopts a resolution  
4 dividing the district.

5 (d) Temporary directors of a new district serve until the  
6 new district elects initial permanent directors. The election of  
7 directors for each new district shall be held on the next uniform  
8 election date in May of an even-numbered year after the date the  
9 temporary directors take office that allows sufficient time to  
10 comply with the requirements of other law.

11 (e) The initial permanent directors elected at an election  
12 held under Subsection (d) serve staggered terms determined in the  
13 manner provided for directors of the original district under  
14 Section 8132.024.

15 Sec. 8132.154. POWERS AND DUTIES OF NEW DISTRICTS. (a)  
16 Except as provided by Subsection (b), each new district created  
17 under this subchapter has the powers and duties of the original  
18 district under this chapter, including the powers and duties under  
19 general law applicable to municipal utility districts that relate  
20 to the imposition of a tax or the issuance of bonds.

21 (b) A new district does not have the power to divide into new  
22 districts.

23 (c) A new district shall pay its proportionate share of any  
24 obligations of the original district in accordance with the  
25 resolution dividing the district. The new districts may pay debts  
26 of the original district from district contributions or from the  
27 proceeds resulting from the imposition of a tax, assessments on the

1 land in the district, or district revenue.

2 (d) A new district may contract with the other new district  
3 for the provision of water or wastewater or regarding any other  
4 matter the boards of directors of the districts consider  
5 appropriate.

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

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

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

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

24 SECTION 6. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

H.B. No. 4748

1 Act takes effect September 1, 2009.

David Dewhurst

President of the Senate

Jim Strawn

Speaker of the House

I certify that H.B. No. 4748 was passed by the House on May 5, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Robert Haney  
Chief Clerk of the House

I certify that H.B. No. 4748 was passed by the Senate on May 26, 2009, by the following vote: Yeas 31, Nays 0.

Datsy Law  
Secretary of the Senate

APPROVED: 19 JUN '09

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2pm O'CLOCK

JUN 19 2009

Colby Hunter III