If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed by the House on May 12, 2009: Yeas 149, Nays 0, 1 present, not voting; passed by the Senate on May 25, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.


CHAPTER 1075

H.B. No. 4748

AN ACT

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

Be it enacted by the Legislature of the State of Texas:

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

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

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

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to Williamson County; and

(C) the organization of the district shall be maintained until all debts are paid and remaining assets are transferred; and

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

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

(d) Temporary directors serve until the earlier of:

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

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

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

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

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

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

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

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

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

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SUBCHAPTER D. ONE-TIME DIVISION OF DISTRICT

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

(1) the district does not have any outstanding debt secured by district taxes or revenue;
(2) the district has not annexed land or been divided; and
(3) each new district created by the division contains at least 100 acres.

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

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

(1) the names of and a metes and bounds description of the territory of the two new districts; and
(2) the terms and conditions of the division, including a plan that:
   (A) ensures current obligations of the district are not impaired by providing for the payment or performance of any outstanding district obligations; and
   (B) provides for the assumption of any district obligations under an agreement with or resolution adopted by a municipality having jurisdiction over the creation of the district consenting to the creation of the district, to the extent that the agreement or resolution:
      (i) is applicable;
      (ii) is not contrary to any other law or provision of this chapter; and
      (iii) does not impose obligations that limit the district’s powers and authority to issue bonds for any purpose authorized under this chapter.

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

   (1) the Texas Commission on Environmental Quality;
   (2) the attorney general;
   (3) the Commissioners Court of Williamson County; and
   (4) any municipality having extraterritorial jurisdiction over land in the original district.

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

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

(c) The district directors shall act as temporary directors of one of the new districts and shall appoint five individuals to serve as temporary directors of the other new district. A temporary director is not required to own land in either of the new districts. A temporary director shall qualify for and assume office not later than the 90th day after the date the board adopts a resolution dividing the district.

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

(e) The initial permanent directors elected at an election held under Subsection (d) serve staggered terms determined in the manner provided for directors of the original district under Section 8132.024.
Sec. 8132.154. POWERS AND DUTIES OF NEW DISTRICTS. (a) Except as provided by Subsection (b), each new district created under this subchapter has the powers and duties of the original district under this chapter, including the powers and duties under general law applicable to municipal utility districts that relate to the imposition of a tax or the issuance of bonds.

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

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

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

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

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

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

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

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed by the House on May 5, 2009: Yeas 144, Nays 0, 1 present, not voting; passed by the Senate on May 26, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.


CHAPTER 1076

H.B. No. 4750

AN ACT

relating to the appointment of magistrates in the White Settlement municipal courts.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter DD, Chapter 30, Government Code, is amended by adding Section 30.01137 to read as follows:

Sec. 30.01137. MAGISTRATES. (a) The governing body may appoint one or more magistrates to act on behalf of a municipal court of record or a municipal court in the city of White Settlement.

(b) A magistrate is not required to possess all the qualifications necessary to be a municipal court of record judge.

(c) A magistrate may not preside over the court or hear contested cases.

(d) A magistrate may:

(1) conduct an arraignment;