

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL  
Special District Local  
Laws Code  
Chapter 8482  
6/10/14

1 CHAPTER 8482. WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 12  
2 SUBCHAPTER A. GENERAL PROVISIONS  
3 Sec. 8482.001. DEFINITIONS . . . . . 1  
4 Sec. 8482.002. NATURE OF DISTRICT . . . . . 2  
5 Sec. 8482.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE . . . . . 3  
6 Sec. 8482.004. DISTRICT TERRITORY . . . . . 3  
7 Sec. 8482.005. ADDITION OR EXCLUSION OF DISTRICT  
8 TERRITORY; MUNICIPAL CONSENT NOT  
9 REQUIRED . . . . . 4  
10 Sec. 8482.006. PROHIBITION AGAINST IMPAIRMENT OF  
11 DISTRICT . . . . . 5  
12 SUBCHAPTER B. BOARD OF DIRECTORS  
13 Sec. 8482.051. COMPOSITION OF BOARD; TERMS . . . . . 5  
14 SUBCHAPTER C. POWERS AND DUTIES  
15 Sec. 8482.101. MUNICIPAL UTILITY DISTRICT POWERS AND  
16 DUTIES . . . . . 9  
17 SUBCHAPTER D. ANNEXATION BY MUNICIPALITY  
18 Sec. 8482.151. ANNEXATION BY MUNICIPALITY . . . . . 10  
19 Sec. 8482.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION . . . . . 10  
20 CHAPTER 8482. WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 12

21 SUBCHAPTER A. GENERAL PROVISIONS

22 Revised Law

23 Sec. 8482.001. DEFINITIONS. In this chapter:  
24 (1) "Board" means the board of directors of the  
25 district.  
26 (2) "Director" means a member of the board.

1 (3) "District" means the Williamson County Municipal  
2 Utility District No. 12. (Acts 78th Leg., R.S., Ch. 761, Secs.  
3 1(1), (3); New.)

4 Source Law

5 Sec. 1. In this Act:

6 (1) "Board" means the board of directors  
7 of the district.

8 (3) "District" means the Williamson County  
9 Municipal Utility District No. 12.

10 Revisor's Note

11 The definition of "director" is added to the  
12 revised law for drafting convenience and to eliminate  
13 frequent, unnecessary repetition of the substance of  
14 the definition.

15 Revised Law

16 Sec. 8482.002. NATURE OF DISTRICT. (a) The district is a  
17 municipal utility district in Williamson County created under  
18 Section 59, Article XVI, Texas Constitution.

19 (b) The district is a political subdivision of this state.  
20 (Acts 78th Leg., R.S., Ch. 761, Secs. 2(a) (part), (b), 3(b)  
21 (part).)

22 Source Law

23 Sec. 2. (a) A municipal utility district, to  
24 be known as the Williamson County Municipal Utility  
25 District No. 12, is created in Williamson County,  
26 . . . .

27 (b) The district is a governmental agency and a  
28 political subdivision of this state.

29 [Sec. 3]

30 (b) The district is created under and . . .  
31 Section 59, Article XVI, Texas Constitution.

32 Revisor's Note

33 (1) Section 2(a), Chapter 761, Acts of the 78th  
34 Legislature, Regular Session, 2003, refers to a  
35 confirmation election. Because the confirmation  
36 election has already been held, the revised law omits  
37 the provision as executed. The omitted law reads:

38 (a) . . . subject to approval at a  
39 confirmation election under Section 9 of  
40 this Act.



1 in the legislative process does not affect:

2 (1) the district's organization, existence, or  
3 validity;

4 (2) the district's right to impose a tax; or

5 (3) the legality or operation of the district or the  
6 board. (Acts 78th Leg., R.S., Ch. 761, Sec. 5; New.)

7 Source Law

8 Sec. 5. The legislature finds that the  
9 boundaries and field notes of the district form a  
10 closure. If a mistake is made in the field notes or in  
11 copying the field notes in the legislative process,  
12 the mistake does not affect in any way:

13 (1) the organization, existence, or  
14 validity of the district;

15 (2) the right of the district to impose  
16 taxes; or

17 (3) the legality or operation of the  
18 district or the board.

19 Revisor's Note

20 The revision of the law governing the district  
21 does not revise the statutory language describing the  
22 territory of the district to avoid the lengthy  
23 recitation of the description and because that  
24 description may not be accurate on the effective date  
25 of the revision or at the time of a later reading. For  
26 the reader's convenience, the revised law includes  
27 references to the statutory description of the  
28 district's territory and to the authority to change the  
29 district's territory under Subchapter H, Chapter 54,  
30 Water Code, applicable to municipal utility districts,  
31 and under Subchapter J, Chapter 49, Water Code,  
32 applicable to the district under Sections 49.001 and  
33 49.002 of that chapter. The revised law also includes  
34 a reference to the general authority of the  
35 legislature to enact a law to change the district's  
36 territory.

37 Revised Law

38 Sec. 8482.005. ADDITION OR EXCLUSION OF DISTRICT TERRITORY;  
39 MUNICIPAL CONSENT NOT REQUIRED. The district may add or exclude

1 land in the manner provided by Chapters 49 and 54, Water Code,  
2 without the consent of any municipality. (Acts 78th Leg., R.S., Ch.  
3 761, Sec. 13(b).)

4 Source Law

5 (b) The district may add or exclude land in the  
6 manner provided by Chapters 49 and 54, Water Code,  
7 without the consent of any municipality.

8 Revised Law

9 Sec. 8482.006. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT.

10 A municipality in whose extraterritorial jurisdiction the district  
11 is located may not take any action, including adopting an ordinance  
12 or resolution, that:

13 (1) impairs the district's ability to exercise the  
14 district's powers under this chapter; or

15 (2) limits the district's ability to finance,  
16 construct, or operate the district's water, wastewater, or drainage  
17 systems. (Acts 78th Leg., R.S., Ch. 761, Sec. 12.)

18 Source Law

19 Sec. 12. A municipality in whose  
20 extraterritorial jurisdiction the district is located  
21 may not adopt an ordinance or resolution or take any  
22 other action that:

23 (1) impairs the ability of the district to  
24 exercise its powers under this Act; or

25 (2) limits the ability of the district to  
26 finance, construct, or operate its water, wastewater,  
27 or drainage systems.

28 SUBCHAPTER B. BOARD OF DIRECTORS

29 Revised Law

30 Sec. 8482.051. COMPOSITION OF BOARD; TERMS. (a) The  
31 district is governed by a board of five directors.

32 (b) Directors serve staggered four-year terms. (Acts 78th  
33 Leg., R.S., Ch. 761, Secs. 7(a), (d).)

34 Source Law

35 Sec. 7. (a) The district is governed by a board  
36 of five directors.

37 (d) Permanent directors serve staggered  
38 four-year terms.

39 Revisor's Note

40 (1) Section 7(d), Chapter 761, Acts of the 78th

1 Legislature, Regular Session, 2003, refers to  
2 "[p]ermanent" directors. The revised law omits  
3 "[p]ermanent." Sections 7(b), (c), and (d) refer to  
4 "temporary," "initial," and "permanent" directors to  
5 distinguish between the original "temporary"  
6 directors, the "initial" directors who immediately  
7 succeeded the "temporary" directors after the first  
8 election of directors, and subsequently serving  
9 "permanent" directors. For the reasons stated in the  
10 revisor's notes at the end of this subchapter, the  
11 revised law omits provisions regarding "temporary" and  
12 "initial" directors. It is therefore no longer  
13 necessary to distinguish between "temporary,"  
14 "initial," and "permanent" directors, and the revised  
15 law is drafted accordingly.

16 (2) Section 7(e), Chapter 761, Acts of the 78th  
17 Legislature, Regular Session, 2003, provides that each  
18 director must qualify as provided by Section 49.055,  
19 Water Code. The revised law omits Section 7(e) because  
20 it duplicates in substance Section 49.055, which  
21 provides for the qualification of directors and  
22 applies to the district under Sections 49.001 and  
23 49.002, Water Code. The omitted law reads:

24 (e) Each director must qualify to  
25 serve as director in the manner provided by  
26 Section 49.055, Water Code.

27 (3) Section 7(f), Chapter 761, Acts of the 78th  
28 Legislature, Regular Session, 2003, provides that a  
29 director serves until a successor has qualified. The  
30 revised law omits the provision because it duplicates  
31 Section 17, Article XVI, Texas Constitution, which  
32 provides that an officer in this state continues to  
33 perform the officer's official duties until a  
34 successor has qualified. The omitted law reads:

35 (f) A director serves until the

1 director's successor has qualified.

2 Revisor's Note  
3 (End of Subchapter)

4 (1) Sections 7(b) and (c), Chapter 761, Acts of  
5 the 78th Legislature, Regular Session, 2003, provide  
6 for the terms of office of "temporary" and "initial"  
7 directors of the district. The revised law omits  
8 Sections 7(b) and (c) as executed because the terms of  
9 the temporary and initial directors have expired. The  
10 omitted law reads:

11 (b) Temporary directors serve until  
12 initial directors are elected under Section  
13 9 of this Act.

14 (c) Initial directors serve until  
15 permanent directors are elected under  
16 Section 10 of this Act.

17 (2) Section 8, Chapter 761, Acts of the 78th  
18 Legislature, Regular Session, 2003, names the  
19 temporary directors and provides for filling vacancies  
20 on the temporary board. Because the temporary  
21 directors were appointed and the terms of the  
22 temporary directors have expired, the revised law  
23 omits those provisions as executed. The omitted law  
24 reads:

25 Sec. 8. (a) The temporary board  
26 consists of:

- 27 (1) Rex Bohls;
- 28 (2) Leanna Einhaus;
- 29 (3) Glen Kistenmacher;
- 30 (4) Hagen McMann; and
- 31 (5) Bill Simpson.

32 (b) If a temporary director fails to  
33 qualify for office, the temporary directors  
34 who have qualified shall appoint a person to  
35 fill the vacancy. If at any time there are  
36 fewer than three qualified temporary  
37 directors, the commission shall appoint the  
38 necessary number of persons to fill all  
39 vacancies on the board.

40 (3) Section 9, Chapter 761, Acts of the 78th  
41 Legislature, Regular Session, 2003, provides for the  
42 "temporary" board to hold an election to confirm the  
43 district's creation and to elect the "initial"  
44 directors for the district. The revised law omits that

1 provision as executed because the confirmation and  
2 initial directors' election has been held. The omitted  
3 law reads:

4           Sec. 9. (a) The temporary board of  
5 directors shall call and hold an election to  
6 confirm the establishment of the district  
7 and to elect five initial directors as  
8 provided by Section 49.102, Water Code.

9           (b) The initial directors elected  
10 shall draw lots to decide which two shall  
11 serve terms lasting until replacement  
12 directors are elected at the first  
13 regularly scheduled election of directors  
14 under Section 10 of this Act and which three  
15 shall serve until the second regularly  
16 scheduled election of directors.

17           (c) Section 41.001(a), Election  
18 Code, does not apply to a confirmation and  
19 initial directors' election held as  
20 provided by this section.

21           (4) Section 10(a), Chapter 761, Acts of the 78th  
22 Legislature, Regular Session, 2003, provides for the  
23 first permanent directors' election following the  
24 confirmation election. The revised law omits that  
25 provision as executed because the first permanent  
26 directors' election has been held. The omitted law  
27 reads:

28           Sec. 10. (a) On the first Saturday  
29 in May of the first even-numbered year after  
30 the year in which the district is authorized  
31 to be created at a confirmation election, an  
32 election shall be held in the district for  
33 the election of two directors to replace the  
34 two initial directors serving shorter terms  
35 from the confirmation election.

36           (5) Section 10(b), Chapter 761, Acts of the 78th  
37 Legislature, Regular Session, 2003, requires  
38 permanent directors' elections to be held on the first  
39 Saturday in May of each even-numbered year following  
40 the first permanent directors' election. The revised  
41 law omits the reference to the year in which the first  
42 permanent directors' election was held as executed.  
43 The revised law omits the remainder of the provision  
44 because it duplicates in substance Section 49.103(b),  
45 Water Code. Chapter 49, Water Code, applies to the

1 district under Sections 49.001 and 49.002 of that  
2 chapter. Although Section 49.103 refers to the  
3 "uniform election date" in May and Section 10(b)  
4 refers to the "first Saturday in May," it is clear that  
5 the legislature meant the former because "the first  
6 Saturday in May" was the uniform election date in 2003.  
7 The omitted law reads:

8 (b) On the first Saturday in May of  
9 each subsequent even-numbered year  
10 following the election, the appropriate  
11 number of directors shall be elected.

12 SUBCHAPTER C. POWERS AND DUTIES

13 Revised Law

14 Sec. 8482.101. MUNICIPAL UTILITY DISTRICT POWERS AND  
15 DUTIES. The district has the rights, powers, privileges,  
16 functions, and duties provided by general law, including Chapters  
17 49 and 54, Water Code, applicable to a municipal utility district  
18 created under Section 59, Article XVI, Texas Constitution. (Acts  
19 78th Leg., R.S., Ch. 761, Sec. 11; New.)

20 Source Law

21 Sec. 11. The district has all of the rights,  
22 powers, privileges, authority, functions, and duties  
23 provided by the general law of this state, including  
24 Chapter 54, Water Code, applicable to municipal  
25 utility districts created under Section 59, Article  
26 XVI, Texas Constitution.

27 Revisor's Note

28 (1) Section 11, Chapter 761, Acts of the 78th  
29 Legislature, Regular Session, 2003, refers to the  
30 "rights, powers, privileges, [and] authority" of the  
31 district. The revised law omits "authority" because,  
32 in context, "authority" is included in the meaning of  
33 "rights, powers, [and] privileges."

34 (2) Section 11, Chapter 761, Acts of the 78th  
35 Legislature, Regular Session, 2003, refers to Chapter  
36 54, Water Code. For the reader's convenience, the  
37 revised law adds a reference to Chapter 49, Water Code,  
38 because the chapter applies to the district on its own

1 terms under Sections 49.001 and 49.002 of that  
2 chapter.

3 SUBCHAPTER D. ANNEXATION BY MUNICIPALITY

4 Revised Law

5 Sec. 8482.151. ANNEXATION BY MUNICIPALITY. A municipality  
6 may annex the district on the earlier of:

7 (1) the date of installation of 90 percent of all  
8 works, improvements, facilities, plants, equipment, and appliances  
9 necessary and adequate to:

10 (A) provide service to the proposed development  
11 in the district;

12 (B) accomplish the purposes for which the  
13 district was created; and

14 (C) exercise the powers provided by general law  
15 and this chapter; or

16 (2) the 20th anniversary of the date the district was  
17 confirmed. (Acts 78th Leg., R.S., Ch. 761, Sec. 13(a).)

18 Source Law

19 Sec. 13. (a) A municipality may annex the  
20 district on the earlier of:

21 (1) the date of installation of 90 percent  
22 of all works, improvements, facilities, plants,  
23 equipment, and appliances necessary and adequate to:

24 (A) provide service to the proposed  
25 development within the district;

26 (B) accomplish the purposes for which  
27 the district was created; and

28 (C) exercise the powers provided by  
29 the general law of this state and this Act; or

30 (2) the 20th anniversary of the date the  
31 district is confirmed.

32 Revised Law

33 Sec. 8482.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION. If  
34 a municipality in whose extraterritorial jurisdiction the district  
35 is located annexes the district for full or limited purposes and the  
36 annexation precludes or impairs the ability of the district to  
37 issue bonds, the municipality shall:

38 (1) simultaneously with the annexation, pay in cash to  
39 the landowner or developer of the district a sum equal to all actual  
40 costs and expenses incurred by the landowner or developer in

1 connection with the district that:

2 (A) the district has agreed in writing to pay;  
3 and

4 (B) would otherwise have been eligible for  
5 reimbursement from bond proceeds under the rules and requirements  
6 of the Texas Commission on Environmental Quality as those rules and  
7 requirements exist on the date of annexation; and

8 (2) after the annexation, install all necessary water,  
9 wastewater, and drainage facilities to serve full buildout of  
10 development in the district. (Acts 78th Leg., R.S., Ch. 761, Secs.  
11 1(2), 14.)

12 Source Law

13 [Sec. 1]

14 (2) "Commission" means the Texas  
15 Commission on Environmental Quality.

16 Sec. 14. If a municipality in whose  
17 extraterritorial jurisdiction the district is located  
18 annexes the district for full or limited purposes and  
19 the annexation precludes or impairs the ability of the  
20 district to issue bonds, the municipality shall:

21 (1) simultaneously with the annexation,  
22 pay in cash to the landowner or developer of the  
23 district a sum equal to all actual costs and expenses  
24 incurred by the landowner or developer in connection  
25 with the district that the district has, in writing,  
26 agreed to pay and that would otherwise have been  
27 eligible for reimbursement from bond proceeds under  
28 the rules and requirements of the commission as such  
29 rules and requirements exist on the date of  
30 annexation; and

31 (2) after the annexation, install all  
32 necessary water, wastewater, and drainage facilities  
33 to serve full buildout of development within the  
34 district.

35 Revisor's Note  
36 (End of Chapter)

37 (1) Section 6, Chapter 761, Acts of the 78th  
38 Legislature, Regular Session, 2003, provides that the  
39 act prevails over general law in case of a conflict or  
40 other inconsistency. The revised law omits the  
41 provision because it duplicates in substance Section  
42 311.026(b), Government Code (Code Construction Act).

43 The omitted law reads:

44 Sec. 6. This Act prevails over any  
45 provision of general law that is in conflict

1 or inconsistent with this Act.

2 (2) Section 15, Chapter 761, Acts of the 78th  
3 Legislature, Regular Session, 2003, recites  
4 legislative findings regarding procedural  
5 requirements for the creation of the district under  
6 the constitution and other laws and rules, including  
7 legal notice and the filing of recommendations. The  
8 revised law omits those provisions as executed. The  
9 omitted law reads:

10 Sec. 15. (a) The legal notice of the  
11 intention to introduce this Act, setting  
12 forth the general substance of this Act, has  
13 been published as provided by law, and the  
14 notice and a copy of this Act have been  
15 furnished to all persons, agencies,  
16 officials, or entities to which they are  
17 required to be furnished under Section 59,  
18 Article XVI, Texas Constitution, and  
19 Chapter 313, Government Code. The governor,  
20 one of the required recipients, has  
21 submitted the notice and Act to the  
22 commission.

23 (b) The commission has filed its  
24 recommendations relating to this Act with  
25 the governor, lieutenant governor, and  
26 speaker of the house of representatives  
27 within the required time.

28 (c) All requirements of the  
29 constitution and laws of this state and the  
30 rules and procedures of the legislature  
31 with respect to the notice, introduction,  
32 and passage of this Act are fulfilled and  
33 accomplished.