

By: Laubenberg

H.B. No. 3585

A BILL TO BE ENTITLED

AN ACT

relating to the validation, annexation, powers, and duties of the Parker Creek Municipal Utility District of Rockwall County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8123 to read as follows:

CHAPTER 8123. PARKER CREEK MUNICIPAL UTILITY DISTRICT

OF ROCKWALL COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8123.001. DEFINITIONS. In this chapter:

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

(2) "District" means the Parker Creek Municipal Utility District of Rockwall County.

Sec. 8123.002. NATURE OF DISTRICT. The district is a municipal utility district in Rockwall County created under and essential to accomplish the purposes of Section 52, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 8123.003. APPLICABILITY OF OTHER LAW. Except as otherwise provided by this chapter, Chapters 49 and 54, Water Code, apply to the district.

[Sections 8123.004-8123.050 reserved for expansion]

SUBCHAPTER B. ANNEXATION BY MUNICIPALITY

Sec. 8123.051. REQUEST FOR ANNEXATION. (a) The board may adopt a resolution requesting that a municipality in whose extraterritorial jurisdiction the district is wholly or partly located annex all or part of the territory of the district.

(b) The resolution adopted must describe the territory requested for annexation by metes and bounds.

(c) If the board adopts a resolution as provided by Subsection (a), the municipality may by ordinance annex the territory described in the resolution without complying with other procedural requirements.

(d) If the board adopts a resolution requesting annexation by a municipality under this section, the terms of the resolution control the annexation. If the board does not adopt a resolution requesting annexation, the terms regarding annexation of any agreement between the municipality and the district or a property owner in the district control the annexation.

Sec. 8123.052. CONTINUANCE OF DISTRICT; DISTRICT POWERS. Annexation by a municipality of all or part of the territory of the district under this subchapter does not affect any district power or duty that the district had before the annexation.

[Sections 8123.053-8123.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES CONTINGENT ON ANNEXATION

BY MUNICIPALITY

Sec. 8123.101. APPLICABILITY OF SUBCHAPTER. This subchapter applies to the district only if the district is wholly or partly annexed by a municipality under Subchapter B.

1       Sec. 8123.102. ROAD PROJECTS. (a) In the part of the  
2 district annexed by the municipality, the district may construct,  
3 acquire, improve, maintain, or operate macadamized, graveled, or  
4 paved roads or turnpikes or improvements in aid of those roads or  
5 turnpikes.

6       (b) A project authorized by this section must meet only the  
7 construction standards adopted by the North Central Texas Council  
8 of Governments, or its successor agency.

9       (c) The district may contract for a road project in the  
10 manner provided by Subchapter I, Chapter 49, Water Code.

11       (d) Section 49.182, Water Code, does not apply to a project  
12 under this section.

13       Sec. 8123.103. FINANCING OF ROAD PROJECTS. (a) Except as  
14 provided by Subsections (b) and (c), the district may issue bonds or  
15 other obligations as provided by Chapters 49 and 54, Water Code, to  
16 finance a project under Section 8123.102 in the part of the district  
17 annexed by a municipality.

18       (b) The district may not issue bonds or other obligations  
19 secured wholly or partly by ad valorem taxes to finance a project  
20 under Section 8123.102 unless the issuance is approved by a vote of  
21 a two-thirds majority of the voters of the district voting at an  
22 election called for that purpose.

23       (c) Bonds or other obligations issued to finance projects  
24 under Section 8123.102 may not exceed one-fourth of the assessed  
25 value of the real property in the district.

26       (d) Section 49.181, Water Code, does not apply to bonds  
27 issued under this section.

1 [Sections 8123.104-8123.150 reserved for expansion]

2 SUBCHAPTER D. GENERAL FINANCIAL POWERS

3 Sec. 8123.151. AUTHORITY TO ISSUE BONDS AND OTHER  
4 OBLIGATIONS. (a) The district may issue bonds in accordance with  
5 Chapters 49 and 54, Water Code.

6 (b) District bonds or other obligations are payable wholly  
7 or partly from ad valorem taxes, impact fees, revenue, grants,  
8 other district money, or any combination of those sources of money.

9 Sec. 8123.152. TAX TO REPAY BONDS. The district may impose  
10 a tax to pay the principal of and interest on bonds issued under  
11 Section 8123.103 or 8123.151.

12 Sec. 8123.153. OPERATION AND MAINTENANCE TAX. (a) The  
13 district may impose a tax for any district operation and  
14 maintenance purpose in the manner provided by Section 49.107, Water  
15 Code.

16 (b) Section 49.107(f), Water Code, does not apply to  
17 reimbursement for a project constructed or acquired under Section  
18 8123.102.

19 SECTION 2. (a) The following are validated and confirmed in  
20 all respects:

21 (1) the creation of the Parker Creek Municipal Utility  
22 District of Rockwall County and all proceedings related to the  
23 creation of the district, effective as of the date on which the  
24 creation or related proceedings occurred; and

25 (2) any act or proceeding of the district, including  
26 an election, not excepted by this section and taken not more than  
27 two years before the effective date of this Act, effective as of the

1 date on which the act or proceeding occurred.

2 (b) This section does not apply to:

3 (1) an act, proceeding, director, other official,  
4 bond, or other obligation the validity of which or of whom is the  
5 subject of litigation that is pending on the effective date of this  
6 Act; or

7 (2) an act or proceeding that, under a statute of this  
8 state or the United States, was a misdemeanor or felony at the time  
9 the act or proceeding occurred.

10 SECTION 3. The Parker Creek Municipal Utility District of  
11 Rockwall County retains all the rights, powers, privileges,  
12 authority, duties, and functions that it had before the effective  
13 date of this Act.

14 SECTION 4. Except as provided by Sections 8123.051 and  
15 8123.052, Special District Local Laws Code, as added by this Act, to  
16 the extent of any conflict between this Act and the terms and  
17 provisions of any agreement executed before the effective date of  
18 this Act between a municipality and the Parker Creek Municipal  
19 Utility District of Rockwall County or a property owner in that  
20 district, the agreement prevails.

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

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

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

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

12           SECTION 6. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2005.