

By: Deuell

S.B. No. 1881

Substitute the following for S.B. No. 1881:

By: Puente

C.S.S.B. No. 1881

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. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59,

1 Article XVI, Texas Constitution.

2 [Sections 8123.004-8123.050 reserved for expansion]

3 SUBCHAPTER B. ANNEXATION BY MUNICIPALITY

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

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

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

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

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

24 [Sections 8123.053-8123.100 reserved for expansion]

25 SUBCHAPTER C. POWERS AND DUTIES CONTINGENT ON ANNEXATION

26 BY MUNICIPALITY

27 Sec. 8123.101. APPLICABILITY OF SUBCHAPTER. This

1 subchapter applies to the district only if the district is wholly or  
2 partly annexed by a municipality under Subchapter B.

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

8 (b) A project authorized by this section must meet or exceed  
9 all applicable construction standards, zoning and subdivision  
10 requirements, and regulatory ordinances of the municipality. The  
11 district may not undertake a road project under this section unless  
12 the municipality consents by ordinance or resolution.

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

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

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

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

27 (c) Bonds or other obligations issued to finance projects

1 under Section 8123.102 may not exceed one-fourth of the assessed  
2 value of the real property in the district.

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

5 [Sections 8123.104-8123.150 reserved for expansion]

6 SUBCHAPTER D. GENERAL FINANCIAL POWERS

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

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

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

16 Sec. 8123.153. OPERATION AND MAINTENANCE TAX. (a) The  
17 district may impose a tax for any district operation and  
18 maintenance purpose in the manner provided by Section 49.107, Water  
19 Code.

20 (b) Section 49.107(f), Water Code, does not apply to  
21 reimbursement for a project constructed or acquired under Section  
22 8123.102.

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

25 (1) the creation of the Parker Creek Municipal Utility  
26 District of Rockwall County and all proceedings related to the  
27 creation of the district, effective as of the date on which the

1 creation or related proceedings occurred; and

2 (2) any act or proceeding of the Parker Creek  
3 Municipal Utility District of Rockwall County, including an  
4 election, not excepted by this section and taken not more than two  
5 years before the effective date of this Act, effective as of the  
6 date on which the act or proceeding occurred.

7 (b) This section does not apply to:

8 (1) an act, proceeding, director, other official,  
9 bond, or other obligation the validity of which or of whom is the  
10 subject of litigation that is pending on the effective date of this  
11 Act; or

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

15 SECTION 3. The Parker Creek Municipal Utility District of  
16 Rockwall County retains all the rights, powers, privileges,  
17 authority, duties, and functions that it had before the effective  
18 date of this Act.

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

26 SECTION 5. (a) The legal notice of the intention to  
27 introduce this Act, setting forth the general substance of this

1 Act, has been published as provided by law, and the notice and a  
2 copy of this Act have been furnished to all persons, agencies,  
3 officials, or entities to which they are required to be furnished  
4 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
5 Government Code.

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

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

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

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