

1-1 By: Deuell S.B. No. 1881  
1-2 (In the Senate - Filed April 22, 2005; April 25, 2005, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; April 28, 2005, reported favorably by the following  
1-5 vote: Yeas 5, Nays 0; April 28, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the validation, annexation, powers, and duties of the  
1-9 Parker Creek Municipal Utility District of Rockwall County;  
1-10 providing authority to impose a tax and issue bonds; granting the  
1-11 power of eminent domain.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
1-14 Code, is amended by adding Chapter 8123 to read as follows:

1-15 CHAPTER 8123. PARKER CREEK MUNICIPAL UTILITY DISTRICT  
1-16 OF ROCKWALL COUNTY

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 8123.001. DEFINITIONS. In this chapter:

1-19 (1) "Board" means the board of directors of the  
1-20 district.

1-21 (2) "District" means the Parker Creek Municipal  
1-22 Utility District of Rockwall County.

1-23 Sec. 8123.002. NATURE OF DISTRICT. The district is a  
1-24 municipal utility district in Rockwall County created under and  
1-25 essential to accomplish the purposes of Section 52, Article III,  
1-26 and Section 59, Article XVI, Texas Constitution.

1-27 Sec. 8123.003. APPLICABILITY OF OTHER LAW. Except as  
1-28 otherwise provided by this chapter, Chapters 49 and 54, Water Code,  
1-29 apply to the district.

1-30 [Sections 8123.004-8123.050 reserved for expansion]

1-31 SUBCHAPTER B. ANNEXATION BY MUNICIPALITY

1-32 Sec. 8123.051. REQUEST FOR ANNEXATION. (a) The board may  
1-33 adopt a resolution requesting that a municipality in whose  
1-34 extraterritorial jurisdiction the district is wholly or partly  
1-35 located annex all or part of the territory of the district.

1-36 (b) The resolution adopted must describe the territory  
1-37 requested for annexation by metes and bounds.

1-38 (c) If the board adopts a resolution as provided by  
1-39 Subsection (a), the municipality may by ordinance annex the  
1-40 territory described in the resolution without complying with other  
1-41 procedural requirements.

1-42 (d) If the board adopts a resolution requesting annexation  
1-43 by a municipality under this section, the terms of the resolution  
1-44 control the annexation. If the board does not adopt a resolution  
1-45 requesting annexation, the terms regarding annexation of any  
1-46 agreement between the municipality and the district or a property  
1-47 owner in the district control the annexation.

1-48 Sec. 8123.052. CONTINUANCE OF DISTRICT; DISTRICT POWERS.  
1-49 Annexation by a municipality of all or part of the territory of the  
1-50 district under this subchapter does not affect any district power  
1-51 or duty that the district had before the annexation.

1-52 [Sections 8123.053-8123.100 reserved for expansion]

1-53 SUBCHAPTER C. POWERS AND DUTIES CONTINGENT ON ANNEXATION  
1-54 BY MUNICIPALITY

1-55 Sec. 8123.101. APPLICABILITY OF SUBCHAPTER. This  
1-56 subchapter applies to the district only if the district is wholly or  
1-57 partly annexed by a municipality under Subchapter B.

1-58 Sec. 8123.102. ROAD PROJECTS. (a) In the part of the  
1-59 district annexed by the municipality, the district may construct,  
1-60 acquire, improve, maintain, or operate macadamized, graveled, or  
1-61 paved roads or turnpikes or improvements in aid of those roads or  
1-62 turnpikes.

1-63 (b) A project authorized by this section must meet only the  
1-64 construction standards adopted by the North Central Texas Council

2-1 of Governments or its successor agency.

2-2 (c) The district may contract for a road project in the  
2-3 manner provided by Subchapter I, Chapter 49, Water Code.

2-4 (d) Section 49.182, Water Code, does not apply to a project  
2-5 under this section.

2-6 Sec. 8123.103. FINANCING OF ROAD PROJECTS. (a) Except as  
2-7 provided by Subsections (b) and (c), the district may issue bonds or  
2-8 other obligations as provided by Chapters 49 and 54, Water Code, to  
2-9 finance a project under Section 8123.102 in the part of the district  
2-10 annexed by a municipality.

2-11 (b) The district may not issue bonds or other obligations  
2-12 secured wholly or partly by ad valorem taxes to finance a project  
2-13 under Section 8123.102 unless the issuance is approved by a vote of  
2-14 a two-thirds majority of the voters of the district voting at an  
2-15 election called for that purpose.

2-16 (c) Bonds or other obligations issued to finance projects  
2-17 under Section 8123.102 may not exceed one-fourth of the assessed  
2-18 value of the real property in the district.

2-19 (d) Section 49.181, Water Code, does not apply to bonds  
2-20 issued under this section.

2-21 [Sections 8123.104-8123.150 reserved for expansion]

2-22 SUBCHAPTER D. GENERAL FINANCIAL POWERS

2-23 Sec. 8123.151. AUTHORITY TO ISSUE BONDS AND OTHER  
2-24 OBLIGATIONS. (a) The district may issue bonds in accordance with  
2-25 Chapters 49 and 54, Water Code.

2-26 (b) District bonds or other obligations are payable wholly  
2-27 or partly from ad valorem taxes, impact fees, revenue, grants,  
2-28 other district money, or any combination of those sources of money.

2-29 Sec. 8123.152. TAX TO REPAY BONDS. The district may impose  
2-30 a tax to pay the principal of and interest on bonds issued under  
2-31 Section 8123.103 or 8123.151.

2-32 Sec. 8123.153. OPERATION AND MAINTENANCE TAX. (a) The  
2-33 district may impose a tax for any district operation and  
2-34 maintenance purpose in the manner provided by Section 49.107, Water  
2-35 Code.

2-36 (b) Section 49.107(f), Water Code, does not apply to  
2-37 reimbursement for a project constructed or acquired under Section  
2-38 8123.102.

2-39 SECTION 2. (a) The following are validated and confirmed  
2-40 in all respects:

2-41 (1) the creation of the Parker Creek Municipal Utility  
2-42 District of Rockwall County and all proceedings related to the  
2-43 creation of the district, effective as of the date on which the  
2-44 creation or related proceedings occurred; and

2-45 (2) any act or proceeding of the Parker Creek  
2-46 Municipal Utility District of Rockwall County, including an  
2-47 election, not excepted by this section and taken not more than two  
2-48 years before the effective date of this Act, effective as of the  
2-49 date on which the act or proceeding occurred.

2-50 (b) This section does not apply to:

2-51 (1) an act, proceeding, director, other official,  
2-52 bond, or other obligation the validity of which or of whom is the  
2-53 subject of litigation that is pending on the effective date of this  
2-54 Act; or

2-55 (2) an act or proceeding that, under a statute of this  
2-56 state or the United States, was a misdemeanor or felony at the time  
2-57 the act or proceeding occurred.

2-58 SECTION 3. The Parker Creek Municipal Utility District of  
2-59 Rockwall County retains all the rights, powers, privileges,  
2-60 authority, duties, and functions that it had before the effective  
2-61 date of this Act.

2-62 SECTION 4. Except as provided by Sections 8123.051 and  
2-63 8123.052, Special District Local Laws Code, as added by this Act, to  
2-64 the extent of any conflict between this Act and the terms and  
2-65 provisions of any agreement executed before the effective date of  
2-66 this Act between a municipality and the Parker Creek Municipal  
2-67 Utility District of Rockwall County or a property owner in that  
2-68 district, the agreement prevails.

2-69 SECTION 5. (a) The legal notice of the intention to

3-1 introduce this Act, setting forth the general substance of this  
3-2 Act, has been published as provided by law, and the notice and a  
3-3 copy of this Act have been furnished to all persons, agencies,  
3-4 officials, or entities to which they are required to be furnished  
3-5 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
3-6 Government Code.

3-7 (b) The governor, one of the required recipients, has  
3-8 submitted the notice and Act to the Texas Commission on  
3-9 Environmental Quality.

3-10 (c) The Texas Commission on Environmental Quality has filed  
3-11 its recommendations relating to this Act with the governor, the  
3-12 lieutenant governor, and the speaker of the house of  
3-13 representatives within the required time.

3-14 (d) All requirements of the constitution and laws of this  
3-15 state and the rules and procedures of the legislature with respect  
3-16 to the notice, introduction, and passage of this Act are fulfilled  
3-17 and accomplished.

3-18 SECTION 6. This Act takes effect immediately if it receives  
3-19 a vote of two-thirds of all the members elected to each house, as  
3-20 provided by Section 39, Article III, Texas Constitution. If this  
3-21 Act does not receive the vote necessary for immediate effect, this  
3-22 Act takes effect September 1, 2005.

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