

By: Parker

H.B. No. 1090

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Oak Point Water Control and Improvement District No. 4 of Denton County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

SECTION 1. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9032 to read as follows:

CHAPTER 9032. OAK POINT WATER CONTROL AND IMPROVEMENT

DISTRICT NO. 4 OF DENTON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9032.001. DEFINITION. In this chapter, "district" means the Oak Point Water Control and Improvement District No. 4 of Denton County.

[Sections 9032.002-9032.050 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES

Sec. 9032.051. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 51, Water Code, applicable to water control and improvement districts created under Section 59, Article XVI, Texas Constitution.

Sec. 9032.052. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate,

1 maintain and convey to this state, a county, or a municipality for
2 operation and maintenance macadamized, graveled, or paved roads, or
3 improvements, including storm drainage, in aid of those roads.

4 Sec. 9032.053. ROAD STANDARDS AND REQUIREMENTS. (a) A road
5 project must meet all applicable construction standards, zoning and
6 subdivision requirements, and regulations of each municipality in
7 whose corporate limits or extraterritorial jurisdiction the road
8 project is located.

9 (b) If a road project is not located in the corporate limits
10 or extraterritorial jurisdiction of a municipality, the road
11 project must meet all applicable construction standards,
12 subdivision requirements, and regulations of each county in which
13 the road project is located.

14 (c) If the state will maintain and operate the road, the
15 Texas Transportation Commission must approve the plans and
16 specifications of the road project.

17 Sec. 9032.054. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
18 OR RESOLUTION. The district shall comply with all applicable
19 requirements of an ordinance or resolution by which the governing
20 body of a municipality consents to the creation of the district or
21 to the inclusion of land in the district, including an ordinance or
22 resolution adopted before the effective date of this chapter.

23 Sec. 9032.055. LIMITATION ON USE OF EMINENT DOMAIN. The
24 district may not exercise the power of eminent domain outside the
25 district to acquire a site or easement for:

- 26 (1) a road project authorized by Section 9032.052; or
27 (2) a recreational facility as defined by Section

1 49.462, Water Code.

2 [Sections 9032.056-9032.100 reserved for expansion]

3 SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

4 Sec. 9032.101. TAX TO REPAY BONDS. The district may impose
5 a tax to pay the principal of or interest on bonds issued under
6 Section 9032.151.

7 [Sections 9032.102-9032.150 reserved for expansion]

8 SUBCHAPTER D. BONDS AND OTHER OBLIGATIONS

9 Sec. 9032.151. AUTHORITY TO ISSUE BONDS AND OTHER
10 OBLIGATIONS. The district may issue bonds or other obligations
11 payable wholly or partly from ad valorem taxes, impact fees,
12 revenue, contract payments, grants, or other district money, or any
13 combination of those sources, to pay for any authorized district
14 purpose.

15 Sec. 9032.152. TAXES FOR BONDS. At the time the district
16 issues bonds payable wholly or partly from ad valorem taxes, the
17 district shall provide for the annual imposition of a continuing
18 direct ad valorem tax, without limit as to rate or amount, while all
19 or part of the bonds are outstanding.

20 Sec. 9032.153. BONDS FOR ROAD PROJECTS. (a) The district
21 may not issue bonds payable from ad valorem taxes to finance a road
22 project unless the issuance is approved by a vote of a two-thirds
23 majority of the district voters voting at an election held for that
24 purpose.

25 (b) At the time of issuance, the total principal amount of
26 bonds or other obligations issued or incurred to finance road
27 projects and payable from ad valorem taxes may not exceed

1 one-fourth of the assessed value of the real property in the
2 district.

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

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

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

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

21 SECTION 3. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2009.