

1-1 By: Janek S.B. No. 1884
1-2 (In the Senate - Filed March 26, 2003; March 27, 2003, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 24, 2003, reported favorably by the following vote: Yeas 10,
1-5 Nays 0; April 24, 2003, sent to printer.)

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

1-8 relating to the assumption of road utility district authority by
1-9 the Sienna Plantation Levee Improvement District of Fort Bend
1-10 County, Texas, including the authority to impose taxes and issue
1-11 bonds.

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

1-13 SECTION 1. AUTHORITY. The Sienna Plantation Levee
1-14 Improvement District of Fort Bend County, Texas, is granted road
1-15 utility district authority under Section 52(b)(3), Article III,
1-16 Texas Constitution, and Chapter 441, Transportation Code,
1-17 including the authority to repair and maintain streets and roadways
1-18 in the district. In addition, the district has the powers of a
1-19 metropolitan rapid transit authority under Section 451.065,
1-20 Transportation Code, provided, however, that Section 451.065(d),
1-21 Transportation Code, shall not apply to the district.

1-22 SECTION 2. DEFINITIONS. In this Act:

1-23 (1) "Board" means the board of directors of the Sienna
1-24 Plantation Levee Improvement District of Fort Bend County, Texas.

1-25 (2) "City" means the City of Missouri City, Texas.

1-26 (3) "District" means the Sienna Plantation Levee
1-27 Improvement District of Fort Bend County, Texas.

1-28 SECTION 3. FINDING OF BENEFIT. The legislature finds that
1-29 all of the land and other property included within the boundaries of
1-30 the district will be benefited by the works and projects that are to
1-31 be accomplished by the district under the powers conferred by
1-32 Section 52, Article III, Texas Constitution, and that the district
1-33 is created to serve a public use and benefit.

1-34 SECTION 4. EXEMPTION FROM CERTAIN LAW. Subchapters B, C, D,
1-35 G, H, K, and L, Chapter 441, Transportation Code, are not applicable
1-36 to the district.

1-37 SECTION 5. POWERS. Without limitation of the powers of the
1-38 district existing before the effective date of this Act, the
1-39 district has all of the rights, powers, privileges, authority,
1-40 duties, and functions conferred by the general law of this state,
1-41 including Chapter 441, Transportation Code, applicable to road
1-42 utility districts created under Section 52, Article III, Texas
1-43 Constitution, including the authority to impose taxes, to the
1-44 extent those provisions can be made applicable. If any provision of
1-45 general law relating to road utility districts is in conflict with
1-46 or inconsistent with this Act or Chapter 49 or 57, Water Code, this
1-47 Act and Chapters 49 and 57, Water Code, prevail. This Act prevails
1-48 over any provision of general law that is in conflict with or
1-49 inconsistent with this Act, including any provision of Chapter 49
1-50 or 57, Water Code.

1-51 SECTION 6. PROJECTS. (a) The district may construct,
1-52 acquire, improve, maintain, and operate macadamized, graveled, or
1-53 paved roads and turnpikes or improvements in aid of those roads or
1-54 turnpikes, within the boundaries of the district, to the extent
1-55 authorized by Section 52, Article III, Texas Constitution.

1-56 (b) The works, facilities, or improvements may include
1-57 drainage or landscaping improvements and lights, signs, or signals
1-58 that are incidental to the roads and turnpikes and their
1-59 construction, maintenance, or operation.

1-60 (c) A project authorized by this section must meet all
1-61 applicable construction standards, zoning and subdivision
1-62 requirements, and regulatory ordinances of the city in which it is
1-63 located.

1-64 (d) On completion of any project authorized by this Act, the

2-1 district, with the consent of the city, may convey that project to
 2-2 the city if the conveyance is free of all indebtedness of the
 2-3 district. If the city becomes the owner of a project, the city is
 2-4 responsible for all future maintenance, operation, and upkeep of
 2-5 the project, and the district has no further responsibility for the
 2-6 project or its maintenance, operation, or upkeep.

2-7 SECTION 7. JOINT PROJECT. (a) A district contract with a
 2-8 state agency, a political subdivision, or a corporation created
 2-9 under Chapter 431, Transportation Code, may:

2-10 (1) provide for joint payment of the costs of a
 2-11 project; and

2-12 (2) require the state agency, political subdivision,
 2-13 or corporation to design, construct, or improve a project as
 2-14 provided by the contract, including the landscaping of the project.

2-15 (b) The district may issue bonds to pay all or part of the
 2-16 costs of the project and any other payments required under the
 2-17 contract.

2-18 SECTION 8. BONDS. The district may issue bonds, notes, and
 2-19 other obligations secured by revenues or contract payments from any
 2-20 lawful source other than ad valorem taxation without an election.
 2-21 The district may issue bonds, notes, and other obligations secured
 2-22 in whole or in part by ad valorem taxation, and levy ad valorem
 2-23 taxes for the payment thereof, only if the issuance is approved by a
 2-24 two-thirds majority of the voters of the district voting at an
 2-25 election called and held for that purpose.

2-26 SECTION 9. MAINTENANCE TAX. The district may impose a
 2-27 maintenance tax in an amount not to exceed 25 cents on each \$100 of
 2-28 assessed valuation of property in the district to be used for any
 2-29 authorized purpose of the district if the authority to impose the
 2-30 tax is approved by a majority of the voters of the district voting
 2-31 at an election on that proposition.

2-32 SECTION 10. DISTRICT CONTRACTS. (a) The district may make
 2-33 contracts in the same manner as a road utility district under
 2-34 Subchapter E, Chapter 441, Transportation Code.

2-35 (b) The competitive bidding requirements of Section 49.273,
 2-36 Water Code, apply to the district. Subchapter E, Chapter 441,
 2-37 Transportation Code, does not apply to the district.

2-38 SECTION 11. NONPROFIT CORPORATION. (a) The board by
 2-39 resolution may authorize the creation of a nonprofit corporation to
 2-40 assist and act on behalf of the district in implementing a project
 2-41 or providing a service authorized by this Act.

2-42 (b) The board shall appoint the board of directors of a
 2-43 nonprofit corporation created under this section. The board of
 2-44 directors of the nonprofit corporation shall serve in the same
 2-45 manner as the board of directors of a local government corporation
 2-46 created under Chapter 431, Transportation Code.

2-47 (c) A nonprofit corporation created under this section has
 2-48 the powers of and is considered for purposes of this Act to be a
 2-49 local government corporation created under Chapter 431,
 2-50 Transportation Code.

2-51 (d) A nonprofit corporation created under this section may
 2-52 implement any project and provide any service authorized by this
 2-53 Act.

2-54 SECTION 12. SUIT AND JUDGMENT. (a) The district, through
 2-55 its board and in the name of the district, may sue and be sued in a
 2-56 state court. Process in a suit may be served on the presiding
 2-57 officer of the board.

2-58 (b) A state court shall take judicial notice of the creation
 2-59 of the board.

2-60 (c) A state court that renders a money judgment against the
 2-61 district may require the board to pay the judgment from money in the
 2-62 district depository that is not dedicated to the payment of the
 2-63 district indebtedness. If the voters of the district have
 2-64 specifically authorized the levy of taxes for the payment of
 2-65 judgments, the court may issue a writ of mandamus to compel the
 2-66 district to levy the tax to pay the judgment at once or in
 2-67 installments. A court may not require the board to pay a judgment
 2-68 rendered on a breach of contract claim if the contractor has been
 2-69 paid, either by the district or a third party, the bid price of the

3-1 contract plus any change orders actually approved by the board in
3-2 writing.

3-3 SECTION 13. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

3-4 (a) The proper and legal notice of the intention to introduce this
3-5 Act, setting forth the general substance of this Act, has been
3-6 published as provided by law, and the notice and a copy of this Act
3-7 have been furnished to all persons, agencies, officials, or
3-8 entities to which they are required to be furnished by the
3-9 constitution and other laws of this state, including the governor,
3-10 who has submitted the notice and a copy of the Act to the Texas
3-11 Commission on Environmental Quality.

3-12 (b) The Texas Commission on Environmental Quality has filed
3-13 its recommendations relating to this Act with the governor,
3-14 lieutenant governor, and speaker of the house of representatives
3-15 within the required time.

3-16 (c) All requirements of the constitution and laws of this
3-17 state and the rules and procedures of the legislature with respect
3-18 to the notice, introduction, and passage of this Act are fulfilled
3-19 and accomplished.

3-20 SECTION 14. EFFECTIVE DATE. This Act takes effect
3-21 immediately if it receives a vote of two-thirds of all the members
3-22 elected to each house, as provided by Section 39, Article III, Texas
3-23 Constitution. If this Act does not receive the vote necessary for
3-24 immediate effect, this Act takes effect September 1, 2003.

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