By: Olivo   H.B. No. 2177

A BILL TO BE ENTITLED

1   AN ACT

2   relating to the powers and duties of the Sienna Plantation

3   Municipal Utility District No. 5; providing authority to impose a

4   tax and issue bonds.

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

6   SECTION 1. Subtitle F, Title 6, Special District Local Laws

7   Code, is amended by adding Chapter 8321 to read as follows:

8   CHAPTER 8321. SIENNA PLANTATION MUNICIPAL UTILITY DISTRICT NO. 5

9   SUBCHAPTER A. GENERAL PROVISIONS

10   Sec. 8321.001. DEFINITION.   In this chapter, "district"

11 means the Sienna Plantation Municipal Utility District No. 5.

12   Sec. 8321.002. NATURE AND PURPOSES OF DISTRICT.   (a)   The

13 district is a municipal utility district created under and

14 essential to accomplish the purposes of Section 59, Article XVI,

15 Texas Constitution.

16   (b)   The district is essential to accomplish the purposes of

17 Section 52, Article III, Texas Constitution, that relate to the

18 construction, acquisition, improvement, operation, or maintenance

19 of macadamized, graveled, or paved roads, or improvements,

20 including storm drainage, in aid of those roads.

21   [Sections 8321.003-8321.050 reserved for expansion]

22   SUBCHAPTER B. POWERS AND DUTIES

23   Sec. 8321.051. GENERAL POWERS AND DUTIES. The district has

24 the powers and duties necessary to accomplish the purposes

1 described by Section 8321.002.

2   Sec. 8321.052. MUNICIPAL UTILITY DISTRICT POWERS AND

3 DUTIES. The district has the powers and duties provided by the

4 general law of this state, including Chapters 49 and 54, Water Code,

5 applicable to municipal utility districts created under Section 59,

6 Article XVI, Texas Constitution.

7   Sec. 8321.053. AUTHORITY FOR ROAD PROJECTS. Under Section

8 52, Article III, Texas Constitution, the district may design,

9 acquire, construct, finance, issue bonds for, improve, operate,

10 maintain, and convey to this state, a county, or a municipality for

11 operation and maintenance macadamized, graveled, or paved roads, or

12 improvements, including storm drainage, in aid of those roads.

13   Sec. 8321.054. ROAD STANDARDS AND REQUIREMENTS. (a) A

14 road project must meet all applicable construction standards,

15 zoning and subdivision requirements, and regulations of each

16 municipality in whose corporate limits or extraterritorial

17 jurisdiction the road project is located.

18   (b) If a road project is not located in the corporate limits

19 or extraterritorial jurisdiction of a municipality, the road

20 project must meet all applicable construction standards,

21 subdivision requirements, and regulations of each county in which

22 the road project is located.

23   (c) If the state will maintain and operate the road, the

24 Texas Transportation Commission must approve the plans and

25 specifications of the road project.

26   (d) Except as provided by Subsection (c), the district is

27 not required to obtain approval from the Texas Transportation

1 Commission to design, acquire, construct, finance, issue bonds for,

2 improve, operate, maintain, or convey a road project.

3 [Sections 8321.055-8321.100 reserved for expansion]

4 SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

5 Sec. 8321.101. AUTHORITY TO ISSUE BONDS AND OTHER

6 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or

7 other obligations payable wholly or partly from ad valorem taxes,

8 impact fees, revenue, contract payments, grants, or other district

9 money, or any combination of those sources, to pay for a road

10 project authorized by Section 8321.053.

11 (b) The district may not issue bonds payable from ad valorem

12 taxes to finance a road project unless the issuance is approved by a

13 vote of a two-thirds majority of the district voters voting at an

14 election held for that purpose.

15 (c) At the time of issuance, the total principal amount of

16 bonds or other obligations issued or incurred to finance road

17 projects and payable from ad valorem taxes may not exceed

18 one-fourth of the assessed value of the real property in the

19 district.

20 Sec. 8321.102. TAXES FOR BONDS. At the time the district

21 issues bonds payable wholly or partly from ad valorem taxes, the

22 district shall provide for the annual imposition of a continuing

23 direct ad valorem tax, without limit as to rate or amount, while all

24 or part of the bonds are outstanding as required and in the manner

25 provided by Sections 54.601 and 54.602, Water Code.

26 SECTION 2. The Sienna Plantation Municipal Utility District

27 No. 5 retains all the rights, powers, privileges, authority,

1 duties, and functions that it had before the effective date of this
2 Act.

3   SECTION 3. (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 4. 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.