

1-1 By: Huffman S.B. No. 930
1-2 (In the Senate - Filed February 18, 2009; March 9, 2009,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; April 15, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 3, Nays 0;
1-6 April 15, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 930 By: Gallegos

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the powers and duties of the Sienna Plantation
1-11 Municipal Utility District No. 5; providing authority to impose a
1-12 tax and issue bonds; granting a limited power of eminent domain.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-15 Code, is amended by adding Chapter 8321 to read as follows:

1-16 CHAPTER 8321. SIENNA PLANTATION MUNICIPAL UTILITY DISTRICT NO. 5

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 8321.001. DEFINITION. In this chapter, "district"
1-19 means the Sienna Plantation Municipal Utility District No. 5.

1-20 Sec. 8321.002. NATURE AND PURPOSES OF DISTRICT. (a) The
1-21 district is a municipal utility district created under and
1-22 essential to accomplish the purposes of Section 59, Article XVI,
1-23 Texas Constitution.

1-24 (b) The district is essential to accomplish the purposes of
1-25 Section 52, Article III, Texas Constitution, that relate to the
1-26 construction, acquisition, improvement, operation, or maintenance
1-27 of macadamized, graveled, or paved roads, or improvements,
1-28 including storm drainage, in aid of those roads.

1-29 [Sections 8321.003-8321.050 reserved for expansion]

1-30 SUBCHAPTER B. POWERS AND DUTIES

1-31 Sec. 8321.051. GENERAL POWERS AND DUTIES. The district has
1-32 the powers and duties necessary to accomplish the purposes
1-33 described by Section 8321.002.

1-34 Sec. 8321.052. MUNICIPAL UTILITY DISTRICT POWERS AND
1-35 DUTIES. The district has the powers and duties provided by the
1-36 general law of this state, including Chapters 49 and 54, Water Code,
1-37 applicable to municipal utility districts created under Section 59,
1-38 Article XVI, Texas Constitution.

1-39 Sec. 8321.053. AUTHORITY FOR ROAD PROJECTS. Under Section
1-40 52, Article III, Texas Constitution, the district may design,
1-41 acquire, construct, finance, issue bonds for, improve, operate,
1-42 maintain, and convey to this state, a county, or a municipality for
1-43 operation and maintenance macadamized, graveled, or paved roads, or
1-44 improvements, including storm drainage, in aid of those roads.

1-45 Sec. 8321.054. ROAD STANDARDS AND REQUIREMENTS. (a) A
1-46 road project must meet all applicable construction standards,
1-47 zoning and subdivision requirements, and regulations of each
1-48 municipality in whose corporate limits or extraterritorial
1-49 jurisdiction the road project is located.

1-50 (b) If a road project is not located in the corporate limits
1-51 or extraterritorial jurisdiction of a municipality, the road
1-52 project must meet all applicable construction standards,
1-53 subdivision requirements, and regulations of each county in which
1-54 the road project is located.

1-55 (c) If the state will maintain and operate the road, the
1-56 Texas Transportation Commission must approve the plans and
1-57 specifications of the road project.

1-58 Sec 8321.055. LIMITATION ON USE OF EMINENT DOMAIN. The
1-59 district may not exercise the power of eminent domain outside the
1-60 district to acquire a site or easement for a road project authorized
1-61 by Section 8321.053.

1-62 [Sections 8321.056-8321.100 reserved for expansion]

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SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

2-1 Sec. 8321.101. AUTHORITY TO ISSUE BONDS AND OTHER
2-2 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds
2-3 or other obligations payable wholly or partly from ad valorem
2-4 taxes, impact fees, revenue, contract payments, grants, or other
2-5 district money, or any combination of those sources, to pay for a
2-6 road project authorized by Section 8321.053.

2-7 (b) The district may not issue bonds payable from ad valorem
2-8 taxes to finance a road project unless the issuance is approved by a
2-9 vote of a two-thirds majority of the district voters voting at an
2-10 election held for that purpose.

2-11 (c) At the time of issuance, the total principal amount of
2-12 bonds or other obligations issued or incurred to finance road
2-13 projects and payable from ad valorem taxes may not exceed
2-14 one-fourth of the assessed value of the real property in the
2-15 district.

2-16 Sec. 8321.102. TAXES FOR BONDS. At the time the district
2-17 issues bonds payable wholly or partly from ad valorem taxes, the
2-18 district shall provide for the annual imposition of a continuing
2-19 direct ad valorem tax, without limit as to rate or amount, while all
2-20 or part of the bonds are outstanding as required and in the manner
2-21 provided by Sections 54.601 and 54.602, Water Code.

2-22 SECTION 2. The Sienna Plantation Municipal Utility District
2-23 No. 5 retains all the rights, powers, privileges, authority,
2-24 duties, and functions that it had before the effective date of this
2-25 Act.

2-26 SECTION 3. (a) The legal notice of the intention to
2-27 introduce this Act, setting forth the general substance of this
2-28 Act, has been published as provided by law, and the notice and a
2-29 copy of this Act have been furnished to all persons, agencies,
2-30 officials, or entities to which they are required to be furnished
2-31 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
2-32 Government Code.

2-33 (b) The governor, one of the required recipients, has
2-34 submitted the notice and Act to the Texas Commission on
2-35 Environmental Quality.

2-36 (c) The Texas Commission on Environmental Quality has filed
2-37 its recommendations relating to this Act with the governor, the
2-38 lieutenant governor, and the speaker of the house of
2-39 representatives within the required time.

2-40 (d) All requirements of the constitution and laws of this
2-41 state and the rules and procedures of the legislature with respect
2-42 to the notice, introduction, and passage of this Act are fulfilled
2-43 and accomplished.

2-44 SECTION 4. This Act takes effect immediately if it receives
2-45 a vote of two-thirds of all the members elected to each house, as
2-46 provided by Section 39, Article III, Texas Constitution. If this
2-47 Act does not receive the vote necessary for immediate effect, this
2-48 Act takes effect September 1, 2009.

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