

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 4727
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Intergovernmental Relations
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill amends the powers of the Sienna Plantation Management District (district), a political subdivision of the State of Texas that was created during the 78th Legislature, Regular Session, 2003. The district lies in the extraterritorial jurisdiction of the City of Missouri City in Fort Bend County.

This legislation proposes to allow the district to administer and provide funding for additional improvement projects and supplemental services in the district, including public transit and parking facilities. This bill also includes provisions to allow the board of directors of the district to receive limited fees of office and to clarify provisions governing the district to be consistent with legislative provisions currently used for other similar management districts.

C.S.H.B. 4727 amends current law relating to the powers and duties of the district and provides authority to impose a fee or issue bonds.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 3829, Special District Local Laws Code, by adding Section 3829.054, as follows:

Sec. 3829.054. COMPENSATION. (a) Entitles a director of the board of directors of the Sienna Plantation Management District (board) to receive fees of office and reimbursement for actual expenses as provided by Section 49.060 (Fees of Office; Reimbursement), Water Code.

(b) Provides that Sections 375.069 (Board Position Not Civil Office of Emolument) and 375.070 (Compensation of Directors; Reimbursement of Expenses), Local Government Code, do not apply to the board.

SECTION 2. Amends Section 3829.105, Special District Local Laws Code, as follows:

Sec. 3829.105. COMPETITIVE BIDDING. (a) Provides that Subchapter I (Construction, Equipment, Materials, and Machinery Contracts), Chapter 49 (Provisions Applicable to all Districts), Water Code, applies to the Sienna Plantation Management District (district).

(b) Provides that Section 375.221 (Competitive Bidding on Certain Public Works Contracts) and Section 375.223 (Supersedes Other Law), Local Government Code, do not apply to the district. Deletes existing text providing that Section 375.221, Local Government Code, applies to the district only for a contract that has a value greater than \$25,000.

SECTION 3. Amends Subchapter C, Chapter 3829, Special District Local Laws Code, by adding Sections 3829.108 and 3829.109, as follows

Sec. 3829.108. ANNEXATION OR EXCLUSION OF LAND. (a) Authorizes the district to annex land as provided by Subchapter J (Annexation or Exclusion of Land), Chapter 49, Water Code.

(b) Authorizes the district to exclude land as provided by Subchapter J, Chapter 49, Water Code.

(c) Provides that Section 375.044(b) (relating to the board calling a hearing on the exclusion of land or other property), Local Government Code, does not apply to the district.

Sec. 3829.109. NO EMINENT DOMAIN POWER. Prohibits the district from exercising the power of eminent domain.

SECTION 4. Amends Section 3829.153, Special District Local Laws Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Authorizes the district, if authorized at an election held in accordance with Section 3829.152 (Tax and Bond Elections), to impose an annual ad valorem tax in accordance with Section 49.107 (Operation and Maintenance Tax), Water Code, on taxable property in the district for any purpose, including the maintenance and operation of the district, construction or acquisition of improvements, or provision of a service.

(c) Provides that Section 49.107(h) (relating to a maintenance tax not exceeding 10 cents per \$100 of assessed valuation), Water Code, does not apply to the district.

SECTION 5. Amends Section 3829.157, Special District Local Laws Code, by amending Subsection (b) and adding Subsections (c) and (d), as follows:

(b) Authorizes the district to borrow money on terms determined by the board. Provides that Section 375.205 (Approval by Attorney General; Registration), Local Government Code, does not apply to a loan, line of credit, or other debt from a bank or financial institution secured by revenue other than ad valorem taxes. Deletes existing text authorizing the district, in exercising the district's power to borrow, to issue a bond or other obligation in the form of a bond, note, certificate of participation or other instrument evidencing a proportionate interest in payments to be made by the district, or other type of obligation.

(c) Provides that the limitation on the outstanding principal amount of bonds, notes, and other obligations provided by Section 49.4645 (District in Certain Counties: Bonds for Recreational Facilities), Water Code, does not apply to the district.

(d) Requires the board, at the time the district issues bonds payable wholly or partly from ad valorem taxes, to impose a continuing direct annual ad valorem tax, without limit as to rate or amount, for each year that all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 (Tax Levy for Bonds) and 54.602 (Establishment of Tax Rate in Each Year), Water Code.

SECTION 6. Amends Subchapter D, Chapter 3829, Special District Local Laws Code, by adding Sections 3829.160 and 3829.161, as follows:

Sec. 3829.160. MONEY USED FOR IMPROVEMENTS OR SERVICES. Authorizes the district to acquire, construct, finance, operate, or maintain any improvement or service authorized under this chapter or Chapter 375, Local Government Code, using any money available to the district.

Sec. 3829.161. METHOD OF NOTICE FOR HEARING. Authorizes the district to mail the notice required by Section 375.115(c) (relating to written notice being mailed by certified mail, return receipt requested), Local Government Code, by certified or first class United States mail. Requires the board to determine the method of notice.

SECTION 7. Amends Chapter 3829, Special District Local Laws Code, by adding Subchapter F, as follows:

SUBCHAPTER F. PUBLIC TRANSIT SYSTEM AND PARKING FACILITIES

Sec. 3829.251. PUBLIC TRANSIT SYSTEM. Authorizes the district to acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain a public transit system to serve the area within the boundaries of the district.

Sec. 3829.252. PARKING FACILITIES AUTHORIZED; OPERATION BY PRIVATE ENTITY. (a) Authorizes the district to acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain parking facilities or a system of parking facilities, including lots, garages, parking terminals, or other structures or accommodations for motor vehicle off-street parking; and equipment, entrances, exits, fencing, and other accessories necessary for safety and convenience in parking vehicles.

(b) Authorizes a parking facility of the district to be leased to, or operated for the district by, an entity other than the district.

(c) Provides that the district's parking facilities are a program authorized by the legislature under Section 52-a (Loan or Grant of Public Money for Economic Development), Article III (Legislative Department), Texas Constitution. Provides that the district's parking facilities serve the public purposes of the district and are owned, used, and held for a public purpose even if leased or operated by a private entity for a term of years.

Sec. 3829.253. RULES. Authorizes the district to adopt rules covering its public transit system or its public parking facilities.

Sec. 3829.254. FINANCING OF PUBLIC TRANSIT SYSTEM OR PARKING FACILITIES. (a) Authorizes the district to use any of its resources, including revenue, assessments, taxes, or grant or contract proceeds, to pay the cost of acquiring or operating a public transit system or public parking facilities.

(b) Authorizes the district to set, charge, impose, and collect fees for the use of the public transit system or public parking facilities; and issue bonds or notes to finance the cost of the public transit system or public parking facilities.

SECTION 8. (a) Provides that the legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59 (Conservation and Development of Natural Resources and Parks And Recreational Facilities; Conservation and Reclamation Districts), Article XVI (General Provisions), Texas Constitution, and Chapter 313 (Notice for Local and Special Laws), Government Code.

(b) Provides that the governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Equality (TCEQ).

(c) Provides that TCEQ has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) Provides that the general law relating to consent by political subdivisions to the creation of districts with conservation, reclamation, and road powers and the inclusion of land in those districts has been complied with.

(e) Provides that all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 9. Effective date: upon passage or September 1, 2009.