

BILL ANALYSIS

C.S.S.B. 1807
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Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, Galveston County Municipal Utility District No. 52 (the “District”), is in existence, but the District has no mechanism to finance roads and major thoroughfares in the District. Furthermore, the District is unable to finance navigation projects throughout the District. As proposed, C.S.S.B.1807 grants the District the powers it needs to finance roads, major thoroughfares and other navigation projects.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Subchapter A. General Provisions

Sec. 8148.001. DEFINITIONS. Defines “Board,” “Director,” and “District.”

Sec. 8148.002. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. Provides that all land and other property included in the District will benefit from the improvements and services to be provided by the District. Provides that the District is created for the same purposes as a municipal utility district and a navigation district and to exercise certain road powers.

Subchapter B. General Powers and Duties

Sec. 8148.051. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. Provides that the District has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8148.052. NAVIGATION POWERS. Grants the district certain navigation powers authorized by Section 59, Article XVI, Texas Constitution.

Sec. 8148.053. ROAD PROJECTS. Authorizes the District to construct, acquire, improve, maintain or operate macadamized, graveled, or paved roads or turnpikes in the District. Requires road projects to meet applicable construction standards, zoning and subdivision requirements, and regulatory ordinances. Requires the District to obtain the consent of the municipality in whose jurisdiction the District is located prior to undertaking any road project.

Sec. 8148.054. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCES OR RESOLUTIONS. Requires the District to comply with the applicable requirements of any ordinance or resolution adopted by the city council of the municipality that consents to the creation of the District or to the inclusion of lands within the District.

Section 8148.055. LIMITATION ON USE OF EMINENT DOMAIN. Authorizes the District to exercise the power of eminent domain outside the District only to acquire easements necessary for underground water and sewage and drainage facilities to serve the District.

Subchapter C. Bonds

Sec. 8148.101. **AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS.**
Provides the district may issue bonds or other obligations to finance the construction, maintenance, or operation of projects.

SECTION 2. Sets forth legislative findings regarding the fulfillment of procedural requirements with respect to the notice, introduction, and passage of the Act.

SECTION 3. Provides that the effective date of the Act will be upon passage or September 1, 2005.

EFFECTIVE DATE

Upon passage or September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substantive changes to the Committee Substitute to Senate Bill No. 1807 ("C.S.S.B. 1807") may be summarized as follows:

C.S.S.B.1807 modifies the nature of the District by deleting certain references to Section 52, Article III, Texas Constitution in Sections 8148.002 of the chapter.

C.S.S.B. 1807 modifies the road powers that may be exercised by the District, including the requirements for issuing bonds to finance road projects and the scope of the Texas Commission on Environmental Quality's authority over the issuance of such bonds.

C.S.S.B. 1807 deletes provisions from Senate Bill No. 1807 requiring the liberal construction of the chapter and authorizing the District to issue bonds payable from certain contracts, and adds provisions requiring the District to comply with municipal ordinances or resolutions and limiting the District's ability to exercise the power of eminent domain.