

By: Jackson

S.B. No. 1807

A BILL TO BE ENTITLED

AN ACT

relating to the power and duties of the Galveston County Municipal Utility District No. 52.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8148 to read as follows:

CHAPTER 8148. GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT

NO. 52

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8148.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means the Galveston County Municipal Utility District No. 52.

Sec. 8148.002. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

(a) All land and other property included in the district will benefit from the works and projects to be provided by the district under powers conferred by Section 52, Article III, and Section 59, Article XVI, Texas Constitution.

(b) The district exists for the same purposes as:

(1) a municipal utility district as provided by Section 54.012, Water Code;

(2) a road utility district created under Section 52,

1 Article III, Texas Constitution, and operating under Chapter 441,  
2 Transportation Code, including the purpose of constructing,  
3 acquiring, improving, maintaining and operating roads and road  
4 facilities; and

5 (3) a navigation district created under Section 59,  
6 Article XVI, Texas Constitution, and operating under Chapters 60  
7 and 62, Water Code.

8 [Sections 8148.003-8148.050 reserved for expansion]

9 SUBCHAPTER B. POWERS AND DUTIES

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

15 Sec. 8148.052. NAVIGATION POWERS. The district may  
16 purchase, construct, acquire, own, operate, maintain, improve, or  
17 extend, inside and outside the district, canals, waterways,  
18 bulkheads, docks, and any other improvements or facilities  
19 necessary or convenient to accomplish the navigation purposes of  
20 the district authorized by Section 59, Article XVI, Texas  
21 Constitution.

22 Sec. 8148.053. ROAD PROJECTS. (a) As authorized by  
23 Section 52, Article III, Texas Constitution, the district may  
24 construct, acquire, improve, maintain, or operate, inside and  
25 outside the district, roads and road facilities as defined by  
26 Chapter 441, Transportation Code.

27 (b) The roads and road facilities authorized by Subsection

1 (a) may include drainage, landscaping, pedestrian improvements,  
2 lights, signs, or signals that are incidental to the roads and their  
3 construction, maintenance, or operation.

4 (c) The roads and road facilities authorized by this section  
5 must meet all applicable construction standards, zoning and  
6 subdivision requirements, and regulatory ordinances of the  
7 municipality or county in whose jurisdiction the road or road  
8 facility is located.

9 (d) On completion of a road or road facility authorized by  
10 this section, the district, with the consent of the municipality or  
11 county, may convey the road or road facility to the municipality or  
12 county if the conveyance is free of all indebtedness of the  
13 district. If the municipality or county becomes the owner of a road  
14 or road facility, the municipality or county is responsible for all  
15 future maintenance and upkeep and the district has no further  
16 responsibility for the road or road facility or its maintenance or  
17 upkeep, unless otherwise agreed to by the district and the  
18 municipality or county.

19 Sec. 8148.054. JOINT ROAD PROJECTS. (a) A district may  
20 contract with a state agency, political subdivision, or corporation  
21 created under Chapter 431, Transportation Code, for a joint road  
22 project.

23 (b) The contract may:

24 (1) provide for joint payment of project costs; and  
25 (2) require the state agency, political subdivision,  
26 or corporation to design, construct, or improve a project as  
27 provided by the contract.

1       Sec. 8148.055. REIMBURSEMENT FOR ROAD PROJECT. (a) The  
2 district may:

3           (1) reimburse a private person for money spent to  
4 construct a road or road facility that is dedicated or otherwise  
5 transferred to public use; or

6           (2) purchase a road or road facility constructed by a  
7 private person.

8       (b) The amount paid for the reimbursement or for the  
9 purchase of a road or road facility under Subsection (a) may:

10           (1) include all construction costs, including  
11 engineering, legal, financing, and other expenses incident to the  
12 construction; or

13           (2) be at a price not to exceed the replacement cost of  
14 the road or road facility as determined by the board.

15       (c) The reimbursement or purchase of a road or road facility  
16 may be paid for with proceeds from the sale of the district's bonds  
17 or from any other money available to the district.

18       (d) The district may enter into an agreement to use the  
19 proceeds of a subsequent bond sale to reimburse a private person  
20 under this section. The agreement may provide the terms and  
21 conditions under which the road or road facility is to be dedicated  
22 or transferred for the benefit of the public.

23       Sec. 8148.056. EMINENT DOMAIN. The district must obtain  
24 the written consent of the City of Texas City, Texas, before  
25 exercising the power of eminent domain.

26       [Sections 8148.057-8148.100 reserved for expansion]

1                   SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

2                   Sec. 8148.101. ELECTIONS REGARDING TAXES OR BONDS. The  
3 district may issue bonds or other obligations to finance road  
4 projects under Section 52(b)(3), Article III, Texas Constitution,  
5 secured wholly or partly by ad valorem taxation, impose ad valorem  
6 taxes to pay the principal of and interest on the obligations, and  
7 provide a sinking fund for the redemption of the obligations only if  
8 the issuance is approved by a two-thirds majority of the voters of  
9 the district voting at an election called and held for that purpose.  
10 The total amount of bonds issued under this section may not exceed  
11 one-fourth of the assessed market value of real property of the  
12 district as determined by the chief appraiser of the appraisal  
13 district that appraises property for the district.

14                   [Sections 8148.102-8148.150 reserved for expansion]

15                   SUBCHAPTER D. BONDS AND OTHER OBLIGATIONS

16                   Sec. 8148.151. BONDS FOR CONTRACT COSTS. If the district  
17 enters into a contract under Section 8148.054, the district may  
18 issue bonds to pay all or part of the costs of the joint road project  
19 and any other payments required under the contract.

20                   Sec. 8148.152. AUTHORITY OF TEXAS COMMISSION ON  
21 ENVIRONMENTAL QUALITY OVER ISSUANCE OF DISTRICT BONDS.

22                   (a) Sections 49.181 and 49.182, Water Code, apply to all water,  
23 wastewater, drainage, and recreational facility projects of the  
24 district and bonds issued for those purposes.

25                   (b) Section 49.181, Water Code, applies to all road and road  
26 facility projects and navigation projects and bonds issued for  
27 those purposes, but the review of the Texas Commission on

1 Environmental Quality of the projects is limited to the financial  
2 feasibility of the projects and bonds and does not include the  
3 review or approval of the design and construction of the projects or  
4 the engineering feasibility of the projects. The commission shall  
5 adjust the requirements of written applications for investigation  
6 of feasibility in accordance with this subsection.

7 (c) Section 49.182, Water Code, does not apply to road and  
8 road facility projects, navigation projects, or bonds issued for  
9 those purposes.

10 (d) Projects and bonds of the district are not subject to  
11 the review and approval of the Texas Transportation Commission or  
12 the rules adopted by the Texas Transportation Commission.

13 SECTION 2. (a) The legal notice of the intention to  
14 introduce this Act, setting forth the general substance of this  
15 Act, has been published as provided by law, and the notice and a  
16 copy of this Act have been furnished to all persons, agencies,  
17 officials, or entities to which they are required to be furnished  
18 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
19 Government Code.

20 (b) The governor, one of the required recipients, has  
21 submitted the notice and Act to the Texas Commission on  
22 Environmental Quality.

23 (c) The Texas Commission on Environmental Quality has filed  
24 its recommendations relating to this Act with the governor, the  
25 lieutenant governor, and the speaker of the house of  
26 representatives within the required time.

27 (d) All requirements of the constitution and laws of this

1 state and the rules and procedures of the legislature with respect  
2 to the notice, introduction, and passage of this Act are fulfilled  
3 and accomplished.

4 SECTION 3. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2005.