

1-1 By: Jackson S.B. No. 1807
1-2 (In the Senate - Filed March 22, 2005; March 30, 2005, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; May 2, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 May 2, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1807 By: Deuell

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

1-10 relating to the power and duties of the Galveston County Municipal
1-11 Utility District No. 52.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-14 Code, is amended by adding Chapter 8148 to read as follows:

1-15 CHAPTER 8148. GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT
1-16 NO. 52

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 8148.001. DEFINITIONS. In this chapter:

1-19 (1) "Board" means the board of directors of the
1-20 district.

1-21 (2) "Director" means a member of the board.

1-22 (3) "District" means the Galveston County Municipal
1-23 Utility District No. 52.

1-24 Sec. 8148.002. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

1-25 (a) All land and other property included in the district will
1-26 benefit from the works and projects to be provided by the district
1-27 under powers conferred by Section 52, Article III, and Section 59,
1-28 Article XVI, Texas Constitution.

1-29 (b) The district exists for the same purposes as:

1-30 (1) a municipal utility district as provided by
1-31 Section 54.012, Water Code;

1-32 (2) a road utility district created under Section 52,
1-33 Article III, Texas Constitution, and operating under Chapter 441,
1-34 Transportation Code, including the purpose of constructing,
1-35 acquiring, improving, maintaining and operating roads and road
1-36 facilities; and

1-37 (3) a navigation district created under Section 59,
1-38 Article XVI, Texas Constitution, and operating under Chapters 60
1-39 and 62, Water Code.

1-40 [Sections 8148.003-8148.050 reserved for expansion]

1-41 SUBCHAPTER B. POWERS AND DUTIES

1-42 Sec. 8148.051. MUNICIPAL UTILITY DISTRICT POWERS AND
1-43 DUTIES. The district has the powers and duties provided by the
1-44 general law of this state, including Chapters 49 and 54, Water Code,
1-45 applicable to municipal utility districts created under Section 59,
1-46 Article XVI, Texas Constitution.

1-47 Sec. 8148.052. NAVIGATION POWERS. The district may
1-48 purchase, construct, acquire, own, operate, maintain, improve, or
1-49 extend, inside and outside the district, canals, waterways,
1-50 bulkheads, docks, and any other improvements or facilities
1-51 necessary or convenient to accomplish the navigation purposes of
1-52 the district authorized by Section 59, Article XVI, Texas
1-53 Constitution.

1-54 Sec. 8148.053. ROAD PROJECTS. (a) As authorized by
1-55 Section 52, Article III, Texas Constitution, the district may
1-56 construct, acquire, improve, maintain, or operate, inside and
1-57 outside the district, roads and road facilities as defined by
1-58 Chapter 441, Transportation Code.

1-59 (b) The roads and road facilities authorized by Subsection
1-60 (a) may include drainage, landscaping, pedestrian improvements,
1-61 lights, signs, or signals that are incidental to the roads and their
1-62 construction, maintenance, or operation.

1-63 (c) The roads and road facilities authorized by this section

2-1 must meet all applicable construction standards, zoning and
2-2 subdivision requirements, and regulatory ordinances of the
2-3 municipality or county in whose jurisdiction the road or road
2-4 facility is located.

2-5 (d) On completion of a road or road facility authorized by
2-6 this section, the district, with the consent of the municipality or
2-7 county, may convey the road or road facility to the municipality or
2-8 county if the conveyance is free of all indebtedness of the
2-9 district. If the municipality or county becomes the owner of a road
2-10 or road facility, the municipality or county is responsible for all
2-11 future maintenance and upkeep and the district has no further
2-12 responsibility for the road or road facility or its maintenance or
2-13 upkeep, unless otherwise agreed to by the district and the
2-14 municipality or county.

2-15 Sec. 8148.054. JOINT ROAD PROJECTS. (a) A district may
2-16 contract with a state agency, political subdivision, or corporation
2-17 created under Chapter 431, Transportation Code, for a joint road
2-18 project.

2-19 (b) The contract may:
2-20 (1) provide for joint payment of project costs; and
2-21 (2) require the state agency, political subdivision,
2-22 or corporation to design, construct, or improve a project as
2-23 provided by the contract.

2-24 Sec. 8148.055. REIMBURSEMENT FOR ROAD PROJECT. (a) The
2-25 district may:

2-26 (1) reimburse a private person for money spent to
2-27 construct a road or road facility that is dedicated or otherwise
2-28 transferred to public use; or

2-29 (2) purchase a road or road facility constructed by a
2-30 private person.

2-31 (b) The amount paid for the reimbursement or for the
2-32 purchase of a road or road facility under Subsection (a) may:

2-33 (1) include all construction costs, including
2-34 engineering, legal, financing, and other expenses incident to the
2-35 construction; or

2-36 (2) be at a price not to exceed the replacement cost of
2-37 the road or road facility as determined by the board.

2-38 (c) The reimbursement or purchase of a road or road facility
2-39 may be paid for with proceeds from the sale of the district's bonds
2-40 or from any other money available to the district.

2-41 (d) The district may enter into an agreement to use the
2-42 proceeds of a subsequent bond sale to reimburse a private person
2-43 under this section. The agreement may provide the terms and
2-44 conditions under which the road or road facility is to be dedicated
2-45 or transferred for the benefit of the public.

2-46 Sec. 8148.056. EMINENT DOMAIN. The district must obtain
2-47 the written consent of the City of Texas City, Texas, before
2-48 exercising the power of eminent domain.

2-49 [Sections 8148.057-8148.100 reserved for expansion]

2-50 SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

2-51 Sec. 8148.101. ELECTIONS REGARDING TAXES OR BONDS. The
2-52 district may issue bonds or other obligations to finance road
2-53 projects under Section 52(b)(3), Article III, Texas Constitution,
2-54 secured wholly or partly by ad valorem taxation, impose ad valorem
2-55 taxes to pay the principal of and interest on the obligations, and
2-56 provide a sinking fund for the redemption of the obligations only if
2-57 the issuance is approved by a two-thirds majority of the voters of
2-58 the district voting at an election called and held for that purpose.
2-59 The total amount of bonds issued under this section may not exceed
2-60 one-fourth of the assessed market value of real property of the
2-61 district as determined by the chief appraiser of the appraisal
2-62 district that appraises property for the district.

2-63 [Sections 8148.102-8148.150 reserved for expansion]

2-64 SUBCHAPTER D. BONDS AND OTHER OBLIGATIONS

2-65 Sec. 8148.151. BONDS FOR CONTRACT COSTS. If the district
2-66 enters into a contract under Section 8148.054, the district may
2-67 issue bonds to pay all or part of the costs of the joint road project
2-68 and any other payments required under the contract.

2-69 Sec. 8148.152. AUTHORITY OF TEXAS COMMISSION ON

3-1 ENVIRONMENTAL QUALITY OVER ISSUANCE OF DISTRICT BONDS.
3-2 (a) Sections 49.181 and 49.182, Water Code, apply to all water,
3-3 wastewater, drainage, and recreational facility projects of the
3-4 district and bonds issued for those purposes.

3-5 (b) Section 49.181, Water Code, applies to all road and road
3-6 facility projects and navigation projects and bonds issued for
3-7 those purposes, but the review of the Texas Commission on
3-8 Environmental Quality of the projects is limited to the financial
3-9 feasibility of the projects and bonds and does not include the
3-10 review or approval of the design and construction of the projects or
3-11 the engineering feasibility of the projects. The commission shall
3-12 adjust the requirements of written applications for investigation
3-13 of feasibility in accordance with this subsection.

3-14 (c) Section 49.182, Water Code, does not apply to road and
3-15 road facility projects, navigation projects, or bonds issued for
3-16 those purposes.

3-17 (d) Projects and bonds of the district are not subject to
3-18 the review and approval of the Texas Transportation Commission or
3-19 the rules adopted by the Texas Transportation Commission.

3-20 SECTION 2. (a) The legal notice of the intention to
3-21 introduce this Act, setting forth the general substance of this
3-22 Act, has been published as provided by law, and the notice and a
3-23 copy of this Act have been furnished to all persons, agencies,
3-24 officials, or entities to which they are required to be furnished
3-25 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3-26 Government Code.

3-27 (b) The governor, one of the required recipients, has
3-28 submitted the notice and Act to the Texas Commission on
3-29 Environmental Quality.

3-30 (c) The Texas Commission on Environmental Quality has filed
3-31 its recommendations relating to this Act with the governor, the
3-32 lieutenant governor, and the speaker of the house of
3-33 representatives within the required time.

3-34 (d) All requirements of the constitution and laws of this
3-35 state and the rules and procedures of the legislature with respect
3-36 to the notice, introduction, and passage of this Act are fulfilled
3-37 and accomplished.

3-38 SECTION 3. This Act takes effect immediately if it receives
3-39 a vote of two-thirds of all the members elected to each house, as
3-40 provided by Section 39, Article III, Texas Constitution. If this
3-41 Act does not receive the vote necessary for immediate effect, this
3-42 Act takes effect September 1, 2005.

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