CHAPTER 535

S.B. No. 1478

AN ACT
relating to the authority of hospital districts to lease undeveloped real property.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 281.050, Health and Safety Code, is amended to read as follows:
Sec. 281.050. POWERS RELATING TO DISTRICT PROPERTY, FACILITIES, AND EQUIPMENT. (a) With the approval of the commissioners court, the board may construct, condemn, acquire, lease, add to, maintain, operate, develop, regulate, sell, exchange, and convey any property, property right, equipment, hospital facility, or system to maintain a hospital, building, or other facility or to provide a service required by the district. Approval of the commissioners court shall be required for the sale or lease of a hospital facility regardless of the provisions of Section 285.051.
(b) Notwithstanding any other law, the board may, with the approval of the commissioners court, lease undeveloped real property for not more than 50 years to provide for the development and construction of facilities designed to generate revenue for the financial benefit of the district. The board, directly or through a nonprofit corporation, may contract or enter into a joint venture with a public or private entity as necessary to enter into a lease under this subsection.

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

Passed the Senate on April 16, 2009: Yeas 31, Nays 0; passed the House on May 26, 2009: Yeas 140, Nays 0, one present not voting.
Approved June 19, 2009.

CHAPTER 536

S.B. No. 1483

AN ACT
relating to the creation of the Galveston County Municipal Utility District No. 76; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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 8332 to read as follows:

CHAPTER 8332. GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 76

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8332.001. DEFINITIONS. In this chapter:
(1) "Board" means the district's board of directors.
Sec. 8332.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8332.003. CONFIRMATION AND DIRECTORS’ ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8332.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8332.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 8332.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution;

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, or improvement of macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads; and

(3) a navigation district as provided by general law and Section 59, Article XVI, Texas Constitution.

Sec. 8332.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act creating this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act creating this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district’s:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

[Sections 8332.007-8332.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8332.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8332.052, directors serve staggered four-year terms.

Sec. 8332.052. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act creating this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8332.003; or

(2) the fourth anniversary of the effective date of the Act creating this chapter.

(c) If permanent directors have not been elected under Section 8332.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:
(1) the date permanent directors are elected under Section 8332.003; or
(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

[Sections 8332.053–8332.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8332.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8332.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. 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. 8332.103. AUTHORITY FOR ROAD PROJECTS. (a) Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

(b) The district may exercise the powers provided by this section without submitting a petition to or obtaining approval from the Texas Commission on Environmental Quality as required by Section 54.234, Water Code.

Sec. 8332.104. APPROVAL OF ROAD PROJECT. (a) The district may not undertake a road project authorized by Section 8332.103 unless:

(1) each municipality or county that will operate and maintain the road has approved the plans and specifications of the road project, if a municipality or county will operate and maintain the road; or

(2) the Texas Transportation Commission has approved the plans and specifications of the road project, if the state will operate and maintain the road.

(b) Except as provided by Subsection (a), the district is not required to obtain approval from the Texas Transportation Commission to design, acquire, construct, finance, issue bonds for, improve, or convey a road project.

Sec. 8332.105. CERTAIN NAVIGATION IMPROVEMENTS. The district has the power to purchase, construct, acquire, own, operate, maintain, improve, or extend, inside or outside the district, a canal or other waterway, bulkhead, dock, or other improvement necessary or convenient to accomplish the purposes of the district.

Sec. 8332.106. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 8332.107. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:

(1) a road project authorized by Section 8332.103;

(2) a recreational facility as defined by Section 49.462, Water Code; or

(3) a navigation facility described by Section 8332.105.

[Sections 8332.108–8332.150 reserved for expansion]
SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8332.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 8332.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

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

Sec. 8332.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8332.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 8332.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

[Sections 8332.154–8332.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8332.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8332.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8332.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Galveston County Municipal Utility District No. 76 initially includes all the territory contained in the following area:

TRACT I:

All that certain 94.0 acres of land, more or less, being partially out of and a part of Lots 493–494, and intervening 50 foot wide roadways (closed and abandoned in Volume 2263, Pages 767, 770, and 773, Galveston County Deed Records), in the TRIMBLE AND LINDSEY SURVEY OF GALVESTON ISLAND, SECTION ONE, and partially out of and a part of Lots 8–9, 12–13, 28–29, 32–33, 49, 52, and intervening 50 foot wide roadways (closed and abandoned in Volume 2263, Pages 767, 770, and 773, Galveston County Deed Records), in the TRIMBLE AND LINDSEY SURVEY OF GALVESTON ISLAND, SECTION TWO, and said 94.0 acres being more particularly described by metes and bounds as follows:
COMMENCING at the point of intersection for the Southwesterly line of 8-Mile Road, a 50 foot wide public roadway right-of-way, and the Northwesterly line of Sportsman Road, a 100 foot wide public roadway (as occupied), and being at the Northeasterly line of said Lot 49;

THENCE N 25°00'00" W, along the Southwesterly line of said 8-Mile Road and the Northeasterly line of said Lot 49, a distance of 100.00 feet to the POINT OF BEGINNING;

THENCE S 65°00'00" W, a distance of 100.00 feet to a point for corner;

THENCE S 25°00'00" E, a distance of 50.00 feet to a point for corner;

THENCE S 65°00'00" W, a distance of 50.00 feet to a point for corner;

THENCE S 25°00'00" E, a distance of 50.00 feet to a point for corner, said point being at the Northwesterly line of said Sportsman Road;

THENCE S 65°00'00" W, along the Northwesterly line of said Sportsman Road, a distance of 290.00 feet to a point for corner;

THENCE N 25°00'00" W, a distance of 543.47 feet to a point for corner and being at the Southeasterly Meander Line of Mean High Water for West Galveston Bay as determined on October 1, 2007, and shown on survey by William E. Merten, LSLS;

THENCE generally in a Northeasterly direction, along the said Southeasterly Meander Line of Mean High Water, the following courses and distances:

N 51°40'03" E, 167.74 feet to a point for angle to the left;
N 42°38'41" E, 36.00 feet to a point for angle to the right;
N 49°24'38" E, 45.32 feet to a point for angle to the right;
N 54°51'52" E, 36.32 feet to a point for angle to the right;
N 71°33'09" E, 108.24 feet to a point for angle to the right;
N 86°07'04" E, 113.71 feet to a point for angle to the right;
S 74°30'24" E, 49.36 feet to a point for angle to the left;
S 81°57'01" E, 52.45 feet to a point for angle to the left;
S 89°27'17" E, 49.93 feet to a point for angle to the left;
N 87°43'18" E, 75.98 feet to a point for angle to the left;
N 87°44'28" E, 61.99 feet to a point for angle to the left;
N 08°52'18" E, 45.82 feet to a point for angle to the right;
N 50°56'26" E, 66.99 feet to a point for angle to the left;
N 43°50'05" E, 267.40 feet to a point for angle to the right;
N 56°40'59" E, 52.31 feet to a point for angle to the left;
N 35°53'07" E, 54.23 feet to a point for angle to the left;
N 34°00'27" E, 50.32 feet to a point for angle to the right;
N 58°56'40" E, 60.77 feet to a point for angle to the right;
S 67°46'17" E, 39.46 feet to a point for angle to the left;
N 68°35'12" E, 64.04 feet to a point for angle to the left;
N 12°09'44" E, 59.62 feet to a point for angle to the left;
N 30°30'28" W, 51.17 feet to a point for angle to the right;
N 32°52'16" E, 66.62 feet to a point for angle to the left;
N 23°03'13" E, 47.19 feet to a point for angle to the right;
N 48°59'46" E, 34.38 feet to a point for angle to the right;
N 63°41'11" E, 93.85 feet to a point for angle to the right;
N 64°29'03" E, 84.09 feet to a point for angle to the right;
N 86°11'31" E, 108.40 feet to a point for angle to the left;
N 73°07'13" E, 81.54 feet to a point for angle to the left;
N 64°38'05" E, 85.88 feet to a point for angle to the left;
N 44°07'54" E, 156.85 feet to a point for angle to the right;
N 59°54'17" E, 72.93 feet to a point for angle to the left; and,
N 55°37'46" E, 43.92 feet to a point for corner and being at the common line for said Lot 493 and Lot 490 of said SECTION ONE;
THENCE S 25°00'00" E, leaving the said Southeasterly Meander Line of Mean High Water, along the Northeasterly line of said Lot 493 and the Southwesterly line of said Lot 490, a distance of 2,005.31 feet to a point for corner;
THENCE S 31°58'38" W, a distance of 284.15 feet to a point for corner;
THENCE S 61°00'34" E, a distance of 208.20 feet to a point for corner;
THENCE S 28°59'25" W, a distance of 60.00 feet to a point for corner;
THENCE N 61°00'34" W, a distance of 215.85 feet to a point for corner;
THENCE S 45°34'49" W, a distance of 658.78 feet to a point for angle to the right;
THENCE S 51°17'37" W, a distance of 266.07 feet to a point for angle to the right;
THENCE S 57°17'39" W, a distance of 275.04 feet to a point for angle to the right;
THENCE S 65°00'00" W, a distance of 306.38 feet to a point for corner at the Northeasterly line of said 8-Mile Road, same being the Southwesterly line of said Lot 49;
THENCE N 25°00'00" W, along the Northeasterly line of said 8-Mile Road, same being the Southwesterly line of said Lot 49, a distance of 280.82 feet to the POINT OF BEGINNING and containing within said boundaries a calculated area of 94.0 acres of land, more or less.

TRACT II:
All that certain 6.6 acres of land, more or less, being out of and a part of Lot 49, in the TRIMBLE AND LINDSEY SURVEY OF GALVESTON ISLAND, SECTION TWO, and further including all of Lots 1—3 and Lots 11—14 of ANDERSON WAY'S ADDITION NO. ONE (1), a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 254-A, Page 78, and transferred to Volume 11, Page 20, both of the Map Records in the Office of the County Clerk of Galveston County, Texas, and said 6.6 acres being more particularly described by metes and bounds as follows:
BEGINNING at the point of intersection for the Southwesterly line of 8-Mile Road, a 50 foot wide public roadway right-of-way, and the Southeasterly line of Sportsman Road, a 100 foot wide public roadway (as occupied), same being the North corner of said Lot 1, and being at the Northeasterly line of said Lot 49;
THENCE S 25°00'00" E, along the Southwesterly line of said 8-Mile Road, same being the Northeasterly line of said Lot 49 and Lots 1—3, a distance of 150.00 feet to a point for corner;
THENCE S 65°00'00" W, along the Southeasterly line of said Lot 3, a distance of 100.00 feet to a point for corner;
THENCE S 25°00'00" E, along the Southwesterly line of Lots 4—10 of said ANDERSON WAY'S ADDITION NUMBER ONE (1), a distance of 350.00 feet to a point for corner, same being the West corner of said Lot 11;
THENCE N 65°00'00" E, along the Northwesterly line of said Lot 11, a distance of 100.00 feet to a point for corner at the Southwesterly line of said 8-Mile Road, same being the Northeasterly line of said Lot 49;
THENCE S 25°00'00" E, along the Southwesterly line of said 8-Mile Road, same being the Northeasterly line of said Lot 49 and said Lots 11—14, a distance of 200.00 feet to a point for corner;
THENCE S 65°00'00" W, along the Southeasterly line of said Lot 14, a distance of 100.00 feet to a point for corner;
THENCE S 25°00'00" E, along the Southwesterly line of Lots 15—22 of said ANDERSON WAY'S ADDITION NUMBER ONE (1), a distance of 400.00 feet to a point for corner and being at the Southeasterly line of said Lot 49, same being the Northwesterly line of Lot 48 of said SECTION TWO;

THENCE S 65°00'00" W, along the common line for said Lots 48 and 49, a distance of 230.00 feet to a point for corner, same being the common corner for said Lots 48 and 49 and Lots 52 and 53 of said SECTION TWO;

THENCE N 25°00'00" W, along the common line for said Lots 49 and 52, a distance of 1,100.00 feet to a point at the Southeasterly line of said Sportsman Road;

THENCE N 65°00'00" E, along the Southeasterly line of said Sportsman Road, a distance of 330.00 feet to the POINT OF BEGINNING and containing within said boundaries a calculated area of 6.6 acres of land, more or less.

SECTION 3. (a) 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, Article XVI, Texas Constitution, and Chapter 313, Government Code.

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

(c) The Texas Commission on Environmental Quality 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) 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 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed the Senate on May 7, 2009: Yeas 31, Nays 0; passed the House on May 25, 2009: Yeas 144, Nays 0, one present not voting.

Approved June 19, 2009.

CHAPTER 537

S.B. No. 1485

AN ACT

relating to the sale of surplus or salvage property and firefighting equipment by an emergency services district.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 775, Health and Safety Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. SURPLUS AND SALVAGE PROPERTY

Sec. 775.251. SALE AND DISPOSITION OF SURPLUS OR SALVAGE PROPERTY.

(a) In this section:

(1) "Salvage property" means personal property, other than wastepaper, that because of use, time, or accident is so damaged, used, or consumed that it has no value for the purpose for which it was originally intended.

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