

By: Krusee

H.B. No. 2313

Substitute the following for H.B. No. 2313:

By: Chisum

C.S.H.B. No. 2313

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of obligations for public improvements.

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

SECTION 1. Sections 1371.001(2) and (4), Government Code, are amended to read as follows:

(2) "Eligible project" means:

(A) the acquisition or construction of or an improvement, addition, or extension to a public works, including a capital asset or facility incident and related to the operation, maintenance, or administration of the public works, and:

(i) with respect to a property or a facility for the generation of electric power and energy, fuel acquisition or the development or transportation of power, energy, or fuel;

(ii) with respect to a property or a facility for a public transportation system:

(a) a building, terminal, garage, shop, or other structure, rolling stock, equipment, or another facility for mass public transportation; or

(b) a vehicle parking area or a facility necessary or convenient for the beneficial use and access of persons and vehicles to a station, terminal, yard, car, or bus, or for the protection or environmental enhancement of a facility for mass public transportation; and

(iii) with respect to a property or a

1 facility for a port facility, a wharf or dock, a warehouse, grain  
2 elevator, or other storage facility, a bunkering facility,  
3 port-related railroad or bridge, floating plant or facility,  
4 lightering facility, cargo handling facility, towing facility, or  
5 any other facility or aid incident to or useful in the operation of  
6 a port facility;

7 (B) a causeway, bridge, tunnel, turnpike,  
8 highway, or combination of those facilities, including:

9 (i) a necessary overpass, underpass,  
10 interchange, entrance plaza, tollhouse, service station, approach,  
11 fixture, accessory, or item of equipment, or a storage,  
12 administration, or other necessary building; and

13 (ii) a property right or other interest  
14 acquired in connection with those facilities;

15 (C) a public improvement owned by a county that  
16 serves the purpose of attracting visitors and tourists to the  
17 county, including a civic center, auditorium, exhibition hall,  
18 coliseum, stadium, or parking area;

19 (D) a project for which there exists authorized  
20 but unissued obligations:

21 (i) approved by a majority of the voters of  
22 the issuer, including obligations payable from ad valorem taxes; or

23 (ii) payable from ad valorem taxes without  
24 approval by the voters of the issuer;

25 (E) a project for which an issuer is authorized  
26 to issue revenue bonds secured, in whole or in part, by revenue  
27 derived from or related to student loans; or

1 (F) an approved venue project under Chapter 334  
2 or 335, Local Government Code.

3 (4) "Issuer" means:

4 (A) a home-rule municipality that:

5 (i) adopted its charter under Section 5,  
6 Article XI, Texas Constitution;

7 (ii) has a population of 50,000 or more; and

8 (iii) has outstanding long-term  
9 indebtedness that is rated by a nationally recognized rating agency  
10 for municipal securities in one of the four highest rating  
11 categories for a long-term obligation;

12 (B) a conservation and reclamation district  
13 created and organized as a river authority under Section 52,  
14 Article III, or Section 59, Article XVI, Texas Constitution;

15 (C) a joint powers agency organized and operating  
16 under Chapter 163, Utilities Code;

17 (D) a metropolitan rapid transit authority or  
18 regional transportation authority created, organized, and  
19 operating under Chapter 451 or 452, Transportation Code;

20 (E) a conservation and reclamation district  
21 organized or operating as a navigation district under Section 52,  
22 Article III, or Section 59, Article XVI, Texas Constitution;

23 (F) a district organized or operating under  
24 Section 59, Article XVI, Texas Constitution, that has all or part of  
25 two or more municipalities within its boundaries;

26 (G) a state agency, including a state institution  
27 of higher education;

1 (H) a hospital authority created or operating  
2 under Chapter 262 or 264, Health and Safety Code, in a county that:

3 (i) has a population of more than 3.3  
4 million; or

5 (ii) is included, in whole or in part, in a  
6 standard metropolitan statistical area of this state that includes  
7 a county with a population of more than 2.2 million;

8 (I) a hospital district in a county that has a  
9 population of more than two million;

10 (J) a nonprofit corporation organized to  
11 exercise the powers of a higher education authority under Section  
12 53.47(e), Education Code;

13 (K) a county:

14 (i) that has [with] a population of 3.3  
15 million or more; or

16 (ii) that, on the date of issuance of  
17 obligations under this chapter, has outstanding indebtedness of at  
18 least \$100 million secured by and payable from the county's ad  
19 valorem taxes and the outstanding long-term indebtedness of which  
20 is rated by a nationally recognized rating agency of securities  
21 issued by local governments in one of the four highest rating  
22 categories for a long-term obligation;

23 (L) an independent school district that has an  
24 average daily attendance of 50,000 or more as determined under  
25 Section 42.005, Education Code;

26 (M) a municipality or county operating under  
27 Chapter 334, Local Government Code; or

1                   (N) a district created under Chapter 335, Local  
2 Government Code.

3           SECTION 2. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2003.