

1-1 By: Krusee (Senate Sponsor - Wentworth) H.B. No. 2313
1-2 (In the Senate - Received from the House May 7, 2003;
1-3 May 9, 2003, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 22, 2003, reported adversely,
1-5 with favorable Committee Substitute by the following vote: Yeas 5,
1-6 Nays 0; May 22, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2313 By: Gallegos

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

1-10 relating to the issuance of obligations for public improvements.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Sections 1371.001(2) and (4), Government Code,
1-13 are amended to read as follows:
1-14 (2) "Eligible project" means:
1-15 (A) the acquisition or construction of or an
1-16 improvement, addition, or extension to a public works, including a
1-17 capital asset or facility incident and related to the operation,
1-18 maintenance, or administration of the public works, and:
1-19 (i) with respect to a property or a facility
1-20 for the generation of electric power and energy, fuel acquisition
1-21 or the development or transportation of power, energy, or fuel;
1-22 (ii) with respect to a property or a
1-23 facility for a public transportation system:
1-24 (a) a building, terminal, garage,
1-25 shop, or other structure, rolling stock, equipment, or another
1-26 facility for mass public transportation; or
1-27 (b) a vehicle parking area or a
1-28 facility necessary or convenient for the beneficial use and access
1-29 of persons and vehicles to a station, terminal, yard, car, or bus,
1-30 or for the protection or environmental enhancement of a facility
1-31 for mass public transportation; and
1-32 (iii) with respect to a property or a
1-33 facility for a port facility, a wharf or dock, a warehouse, grain
1-34 elevator, or other storage facility, a bunkering facility,
1-35 port-related railroad or bridge, floating plant or facility,
1-36 lightering facility, cargo handling facility, towing facility, or
1-37 any other facility or aid incident to or useful in the operation of
1-38 a port facility;
1-39 (B) a causeway, bridge, tunnel, turnpike,
1-40 highway, or combination of those facilities, including:
1-41 (i) a necessary overpass, underpass,
1-42 interchange, entrance plaza, tollhouse, service station, approach,
1-43 fixture, accessory, or item of equipment, or a storage,
1-44 administration, or other necessary building; and
1-45 (ii) a property right or other interest
1-46 acquired in connection with those facilities;
1-47 (C) a public improvement owned by a county that
1-48 serves the purpose of attracting visitors and tourists to the
1-49 county, including a civic center, auditorium, exhibition hall,
1-50 coliseum, stadium, or parking area;
1-51 (D) a project for which there exists authorized
1-52 but unissued obligations:
1-53 (i) approved by a majority of the voters of
1-54 the issuer, including obligations payable from ad valorem taxes; or
1-55 (ii) payable from ad valorem taxes without
1-56 approval by the voters of the issuer;
1-57 (E) a project for which an issuer is authorized
1-58 to issue revenue bonds secured, in whole or in part, by revenue
1-59 derived from or related to student loans; ~~or~~
1-60 (F) an approved venue project under Chapter 334
1-61 or 335, Local Government Code; or
1-62 (G) an activity described by Section 271.045,
1-63 Local Government Code.

(4) "Issuer" means:

(A) a home-rule municipality that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(K) a county:

(i) that has ~~with~~ a population of 3.3 million or more; or

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

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

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

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

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, 2003.

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