

By: Krusee

H.B. No. 647

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 authorized indebtedness of at
18 least \$100 million secured by and payable from the county's ad
19 valorem taxes and the authorized long-term indebtedness of which is
20 rated by a nationally recognized rating agency of securities issued
21 by local governments in one of the four highest rating categories
22 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, 2005.