

By: Kleinschmidt

H.B. No. 2602

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the powers and duties of the Bastrop County Water  
3 Control and Improvement District No. 2; providing authority to  
4 impose a tax and issue bonds.

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

6 SECTION 1. Section 11001.002(a), Special District Local  
7 Laws Code, is amended to read as follows:

8 (a) Under [~~The district has all of the rights, powers,~~  
9 ~~privileges, functions, responsibilities, and duties that general~~  
10 ~~law grants a road district created under~~] Section 52, Article III,  
11 Texas Constitution, the district may design, acquire, construct,  
12 finance, issue bonds for, improve, operate, maintain, and convey to  
13 this state, a county, or a municipality for operation and  
14 maintenance macadamized, graveled, or paved roads or improvements,  
15 including storm drainage, in aid of those roads, inside the  
16 district.

17 SECTION 2. Section 11001.007, Special District Local Laws  
18 Code, is amended to read as follows:

19 Sec. 11001.007. MONTHLY CHARGES. (a) The board by  
20 resolution may impose a monthly charge in an amount not to exceed  
21 \$15 [~~of five dollars~~] for each developed or undeveloped lot, tract,  
22 or reserve in the district.

23 (b) Money received from the monthly charge may [~~must~~] be  
24 used only for:

1           (1) constructing, maintaining, or repairing public  
2 streets or roadways in the district; or

3           (2) purchasing equipment necessary to accomplish a  
4 purpose described by Subdivision (1).

5           (c) Not [~~Of the money received under Subsection (a):~~

6           ~~[(1) not] more than 10 percent of the money received~~  
7 under Subsection (a) may be used for administrative purposes~~[, and~~

8           ~~[(2) not more than 15 percent may be used for road~~  
9 maintenance].

10           SECTION 3. Chapter 11001, Special District Local Laws Code,  
11 is amended by adding Sections 11001.014, 11001.015, and 11001.016  
12 to read as follows:

13           Sec. 11001.014. AUTHORITY TO ISSUE BONDS AND OTHER  
14 OBLIGATIONS. (a) The district may issue bonds or other obligations  
15 as provided by Chapters 49 and 51, Water Code, to finance the  
16 acquisition, construction, improvement, maintenance, or operation  
17 of a project under Section 11001.002.

18           (b) The district may not issue bonds or other obligations  
19 secured wholly or partly by ad valorem taxes to finance projects  
20 authorized by Section 11001.002 unless the issuance is approved by  
21 a vote of a two-thirds majority of the district voters voting at an  
22 election called for that purpose.

23           (c) Bonds or other obligations issued or incurred to finance  
24 projects authorized by Section 11001.002 may not exceed one-fourth  
25 of the assessed value of the real property in the district.

26           (d) Sections 49.181, 49.182, and 50.107, Water Code, do not  
27 apply to a project authorized by Section 11001.002 or to bonds

1 issued to finance the project.

2 Sec. 11001.015. TAX TO REPAY BONDS. The district may impose  
3 a tax to pay the principal of or interest on bonds or other  
4 obligations issued under Section 11001.014.

5 Sec. 11001.016. ROAD CONTRACTS. The district may enter  
6 into a contract for a road project in the manner provided by  
7 Subchapter I, Chapter 49, Water Code.

8 SECTION 4. (a) The legal notice of the intention to  
9 introduce this Act, setting forth the general substance of this  
10 Act, has been published as provided by law, and the notice and a  
11 copy of this Act have been furnished to all persons, agencies,  
12 officials, or entities to which they are required to be furnished  
13 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
14 Government Code.

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

18 (c) The Texas Commission on Environmental Quality has filed  
19 its recommendations relating to this Act with the governor, the  
20 lieutenant governor, and the speaker of the house of  
21 representatives within the required time.

22 (d) All requirements of the constitution and laws of this  
23 state and the rules and procedures of the legislature with respect  
24 to the notice, introduction, and passage of this Act are fulfilled  
25 and accomplished.

26 SECTION 5. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

H.B. No. 2602

1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2009.