

1-1 By: Aycock (Senate Sponsor - Fraser) H.B. No. 1551
1-2 (In the Senate - Received from the House March 31, 2011;
1-3 April 13, 2011, read first time and referred to Committee on
1-4 Natural Resources; April 27, 2011, reported favorably by the
1-5 following vote: Yeas 10, Nays 0; April 27, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the power of the Bell County Water Control and
1-9 Improvement District No. 1 to issue bonds.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 9005.102, Special District Local Laws
1-12 Code, is amended to read as follows:

1-13 Sec. 9005.102. AUTHORITY TO ISSUE BONDS. (a) The district
1-14 may issue bonds for the purpose of purchasing, constructing,
1-15 acquiring, owning, operating, repairing, improving, enlarging, or
1-16 extending any district works, improvements, facilities, plants,
1-17 equipment, and appliances needed or useful to accomplish or carry
1-18 out the purposes, powers, functions, or obligations of the
1-19 district, including works, improvements, facilities, plants,
1-20 equipment, and appliances needed to provide a waterworks system,
1-21 sanitary sewer system, storm sewer system, or solid waste disposal
1-22 system. [In this section, "district property" means the district's
1-23 improvements, including property operated by the district under a
1-24 lease.]

1-25 (b) To provide for the payment of bonds issued under this
1-26 section, the [The] district may:

1-27 (1) impose ad valorem taxes on all taxable property in
1-28 the district;

1-29 (2) pledge all or any part of revenue available to the
1-30 district from any source, including all or part of the revenue:

1-31 (A) resulting from the ownership or operation of
1-32 the district's works, improvements, facilities, plants, equipment,
1-33 and appliances; or

1-34 (B) available under specific contracts for a
1-35 period of time the district determines; or

1-36 (3) pledge any combination of the sources of taxes or
1-37 revenue described by Subdivisions (1) and (2) [may call a bond
1-38 election and issue bonds in the manner and for the purposes provided
1-39 in Chapters 49 and 51, Water Code. In addition to the purposes
1-40 under those chapters, the district may vote on and issue bonds to:

1-41 [(1) acquire materials, supplies, equipment, and
1-42 other property needed or useful to maintain district property; and

1-43 [(2) extend, enlarge, improve, or repair district
1-44 property].

1-45 (c) Bonds secured by and payable solely from revenue under
1-46 Subsection (b)(2):

1-47 (1) may be issued without an election; and

1-48 (2) are not subject to Section 49.181, Water Code [If
1-49 bonds are voted on and issued in connection with property to be
1-50 operated by the district under lease, the engineer's report must
1-51 include a summary of the proposed expenditures of the bond
1-52 proceeds].

1-53 (d) The district must hold an election in the manner
1-54 provided by Chapters 49 and 51, Water Code, to obtain voter approval
1-55 before the district may impose an ad valorem tax or issue bonds
1-56 payable from ad valorem taxes.

1-57 (e) The district may exercise any of the rights or powers
1-58 granted to the governing body of an issuer under Chapter 1371,
1-59 Government Code.

1-60 (f) This section is wholly sufficient authority for the
1-61 issuance of bonds, the pledge of revenues, taxes, or any
1-62 combination of revenues and taxes, and the performance of other
1-63 acts and procedures authorized by this section by the district
1-64 without reference to any other provision of law or any restriction

2-1 or limitation contained in those provisions, except as specifically
2-2 provided by this section.

2-3 (g) To the extent of any conflict or inconsistency between
2-4 this section and any other law, this section controls.

2-5 (h) The district may use any law not in conflict with this
2-6 section to the extent convenient or necessary to carry out any power
2-7 or authority, express or implied, granted by this section.

2-8 SECTION 2. The changes in law made by this Act apply only to
2-9 a bond issued by the Bell County Water Control and Improvement
2-10 District No. 1 on or after the effective date of this Act. A bond
2-11 issued by the Bell County Water Control and Improvement District
2-12 No. 1 before the effective date of this Act is governed by the law as
2-13 it existed immediately before the effective date of this Act, and
2-14 that law is continued in effect for that purpose.

2-15 SECTION 3. (a) The legal notice of the intention to
2-16 introduce this Act, setting forth the general substance of this
2-17 Act, has been published as provided by law, and the notice and a
2-18 copy of this Act have been furnished to all persons, agencies,
2-19 officials, or entities to which they are required to be furnished
2-20 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
2-21 Government Code.

2-22 (b) The governor, one of the required recipients, has
2-23 submitted the notice and Act to the Texas Commission on
2-24 Environmental Quality.

2-25 (c) The Texas Commission on Environmental Quality has filed
2-26 its recommendations relating to this Act with the governor, the
2-27 lieutenant governor, and the speaker of the house of
2-28 representatives within the required time.

2-29 (d) All requirements of the constitution and laws of this
2-30 state and the rules and procedures of the legislature with respect
2-31 to the notice, introduction, and passage of this Act are fulfilled
2-32 and accomplished.

2-33 SECTION 4. This Act takes effect immediately if it receives
2-34 a vote of two-thirds of all the members elected to each house, as
2-35 provided by Section 39, Article III, Texas Constitution. If this
2-36 Act does not receive the vote necessary for immediate effect, this
2-37 Act takes effect September 1, 2011.

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