

By: Miller of Comal

H.B. No. 1852

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the applicability to certain regional water districts
3 of provisions concerning bond approval by the Texas Commission on
4 Environmental Quality.

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

6 SECTION 1. Section 49.181(h), Water Code, is amended to
7 read as follows:

8 (h) This section does not apply to a district if:

9 (1) the district's boundaries include one entire
10 county;

11 (2) the district was created by a special Act of the
12 legislature and:

13 (A) the district is located entirely within one
14 county;

15 (B) is entirely within one or more home-rule
16 municipalities;

17 (C) the total taxable value of the real property
18 and improvements to the real property zoned by one or more home-rule
19 municipalities for residential purposes and located within the
20 district does not exceed 25 percent of the total taxable value of
21 all taxable property in the district, as shown by the most recent
22 certified appraisal tax roll prepared by the appraisal district for
23 the county; and

24 (D) the district was not required by law to

1 obtain commission approval of its bonds before the effective date
2 of this section;

3 (3) the district is a special water authority;

4 (4) the district is governed by a board of directors
5 appointed in whole or in part by the governor, a state agency, or
6 the governing body or chief elected official of a municipality or
7 county and does not provide, or propose to provide, water, sewer,
8 drainage, reclamation, or flood control services to residential
9 retail or commercial customers as its principal function; ~~or~~

10 (5) the district on September 1, 2003:

11 (A) is a municipal utility district that includes
12 territory in only two counties;

13 (B) has outstanding long-term indebtedness that
14 is rated BBB or better by a nationally recognized rating agency for
15 municipal securities; and

16 (C) has at least 5,000 active water connections;

17 or

18 (6) the district:

19 (A) is a conservation and reclamation district
20 created under Section 59, Article XVI, Texas Constitution, that
21 includes territory in at least three counties; and

22 (B) has the rights, powers, privileges, and
23 functions applicable to a river authority under Chapter 30.

24 SECTION 2. The change in law made by this Act does not apply
25 to bonds with regard to which an application and report were
26 submitted to the Texas Natural Resource Conservation Commission or
27 the Texas Commission on Environmental Quality under Section

1 49.181(b), Water Code, before the effective date of this Act. Those
2 bonds are governed by the law as it existed immediately before the
3 effective date of this Act, and that law is continued in effect for
4 that purpose.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2011.