

1-1 By: Hinojosa S.B. No. 587
 1-2 (In the Senate - Filed February 15, 2013; February 20, 2013,
 1-3 read first time and referred to Committee on Intergovernmental
 1-4 Relations; March 18, 2013, reported favorably by the following
 1-5 vote: Yeas 5, Nays 0; March 18, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			

1-13 A BILL TO BE ENTITLED
 1-14 AN ACT

1-15 relating to the powers and duties of the Hidalgo County Water
 1-16 Control and Improvement District No. 19; providing authority to
 1-17 issue bonds; providing authority to impose fees and taxes.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Subtitle I, Title 6, Special District Local Laws
 1-20 Code, is amended by adding Chapter 9044 to read as follows:

1-21 CHAPTER 9044. HIDALGO COUNTY WATER CONTROL AND IMPROVEMENT

1-22 DISTRICT NO. 19

1-23 SUBCHAPTER A. GENERAL PROVISIONS

1-24 Sec. 9044.001. DEFINITION. In this chapter, "district"
 1-25 means the Hidalgo County Water Control and Improvement District No.
 1-26 19.

1-27 Sec. 9044.002. NATURE AND PURPOSES OF DISTRICT. (a) The
 1-28 district is a water control and improvement district created under
 1-29 Section 59, Article XVI, Texas Constitution.

1-30 (b) The district is created to accomplish the purposes of:

1-31 (1) a water control and improvement district as
 1-32 provided by general law and Section 59, Article XVI, Texas
 1-33 Constitution; and

1-34 (2) Section 52, Article III, Texas Constitution, that
 1-35 relate to the construction, acquisition, improvement, operation,
 1-36 or maintenance of macadamized, graveled, or paved roads, or
 1-37 improvements, including storm drainage, in aid of those roads.

1-38 SUBCHAPTER B. POWERS AND DUTIES

1-39 Sec. 9044.051. GENERAL POWERS AND DUTIES. The district has
 1-40 the powers and duties necessary to accomplish the purposes for
 1-41 which the district is created.

1-42 Sec. 9044.052. WATER CONTROL AND IMPROVEMENT DISTRICT
 1-43 POWERS AND DUTIES. The district has the powers and duties provided
 1-44 by the general law of this state, including Chapters 49 and 51,
 1-45 Water Code, applicable to water control and improvement districts
 1-46 created under Section 59, Article XVI, Texas Constitution.

1-47 Sec. 9044.053. AUTHORITY FOR ROAD PROJECTS. Under Section
 1-48 52, Article III, Texas Constitution, the district may design,
 1-49 acquire, construct, finance, issue bonds for, improve, operate,
 1-50 maintain, and convey to this state, a county, or a municipality for
 1-51 operation and maintenance macadamized, graveled, or paved roads, or
 1-52 improvements, including storm drainage, in aid of those roads.

1-53 Sec. 9044.054. ROAD STANDARDS AND REQUIREMENTS. (a) A
 1-54 road project must meet all applicable construction standards,
 1-55 zoning and subdivision requirements, and regulations of each
 1-56 municipality in whose corporate limits or extraterritorial
 1-57 jurisdiction the road project is located.

1-58 (b) If a road project is not located in the corporate limits
 1-59 or extraterritorial jurisdiction of a municipality, the road
 1-60 project must meet all applicable construction standards,
 1-61 subdivision requirements, and regulations of each county in which

2-1 the road project is located.

2-2 (c) If the state will maintain and operate the road, the
 2-3 Texas Transportation Commission must approve the plans and
 2-4 specifications of the road project.

2-5 Sec. 9044.055. DIVISION OF DISTRICT. (a) The district may
 2-6 be divided into two or more new districts only if the district:

2-7 (1) has no outstanding bonded debt; and

2-8 (2) is not imposing ad valorem taxes.

2-9 (b) This chapter applies to any new district created by the
 2-10 division of the district, and a new district has all the powers and
 2-11 duties of the district.

2-12 (c) Any new district created by the division of the district
 2-13 may not, at the time the new district is created, contain any land
 2-14 outside the district as of the effective date of the Act enacting
 2-15 this chapter.

2-16 (d) The district's board of directors, on its own motion or
 2-17 on receipt of a petition signed by the owner or owners of a majority
 2-18 of the assessed value of the real property in the district, may
 2-19 adopt an order dividing the district.

2-20 (e) An order dividing the district must:

2-21 (1) name each new district;

2-22 (2) include the metes and bounds description of the
 2-23 territory of each new district;

2-24 (3) appoint temporary directors serving staggered
 2-25 four-year terms for each new district; and

2-26 (4) provide for the division of assets and liabilities
 2-27 between or among the new districts.

2-28 (f) On or before the 30th day after the date of adoption of
 2-29 an order dividing the district, the district shall file the order
 2-30 with the Texas Commission on Environmental Quality and record the
 2-31 order in the real property records of each county in which the
 2-32 district is located.

2-33 (g) A new district created by the division of the district
 2-34 is not required to hold a confirmation election.

2-35 (h) The consent of a municipality or county is not required
 2-36 for the creation of any new district under this section if the new
 2-37 district's creation complies with Subsection (c).

2-38 (i) A new district created by the division of the district
 2-39 must hold an election to obtain voter approval before the district
 2-40 may impose a maintenance tax or issue bonds payable wholly or partly
 2-41 from ad valorem taxes.

2-42 SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

2-43 Sec. 9044.101. AUTHORITY TO ISSUE BONDS AND OTHER
 2-44 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds
 2-45 or other obligations payable wholly or partly from ad valorem
 2-46 taxes, impact fees, revenue, contract payments, grants, or other
 2-47 district money, or any combination of those sources, to pay for a
 2-48 road project authorized by Section 9044.053.

2-49 (b) The district may not issue bonds payable from ad valorem
 2-50 taxes to finance a road project unless the issuance is approved by a
 2-51 vote of a two-thirds majority of the district voters voting at an
 2-52 election held for that purpose.

2-53 (c) At the time of issuance, the total principal amount of
 2-54 bonds or other obligations issued or incurred to finance road
 2-55 projects and payable from ad valorem taxes may not exceed
 2-56 one-fourth of the assessed value of real property in the district.

2-57 Sec. 9044.102. TAXES FOR BONDS. At the time the district
 2-58 issues bonds payable wholly or partly from ad valorem taxes, the
 2-59 board shall provide for the annual imposition of a continuing
 2-60 direct ad valorem tax, without limit as to rate or amount, while all
 2-61 or part of the bonds are outstanding.

2-62 SECTION 2. The Hidalgo County Water Control and Improvement
 2-63 District No. 19 retains all the rights, powers, privileges,
 2-64 authority, duties, and functions that it had before the effective
 2-65 date of this Act.

2-66 SECTION 3. (a) The legislature validates and confirms all
 2-67 governmental acts and proceedings of the Hidalgo County Water
 2-68 Control and Improvement District No. 19 that were taken before the
 2-69 effective date of this Act.

3-1 (b) This section does not apply to any matter that on the
3-2 effective date of this Act:

3-3 (1) is involved in litigation if the litigation
3-4 ultimately results in the matter being held invalid by a final court
3-5 judgment; or

3-6 (2) has been held invalid by a final court judgment.

3-7 SECTION 4. (a) The legal notice of the intention to
3-8 introduce this Act, setting forth the general substance of this
3-9 Act, has been published as provided by law, and the notice and a
3-10 copy of this Act have been furnished to all persons, agencies,
3-11 officials, or entities to which they are required to be furnished
3-12 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3-13 Government Code.

3-14 (b) The governor, one of the required recipients, has
3-15 submitted the notice and Act to the Texas Commission on
3-16 Environmental Quality.

3-17 (c) The Texas Commission on Environmental Quality has filed
3-18 its recommendations relating to this Act with the governor, the
3-19 lieutenant governor, and the speaker of the house of
3-20 representatives within the required time.

3-21 (d) All requirements of the constitution and laws of this
3-22 state and the rules and procedures of the legislature with respect
3-23 to the notice, introduction, and passage of this Act are fulfilled
3-24 and accomplished.

3-25 SECTION 5. This Act takes effect immediately if it receives
3-26 a vote of two-thirds of all the members elected to each house, as
3-27 provided by Section 39, Article III, Texas Constitution. If this
3-28 Act does not receive the vote necessary for immediate effect, this
3-29 Act takes effect September 1, 2013.

3-30

* * * * *