

By: Murphy

H.B. No. 1647

A BILL TO BE ENTITLED

AN ACT

relating to voter information provided by political subdivisions before an election to authorize the issuance of bonds.

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

SECTION 1. Chapter 1251, Government Code, is amended by designating Sections 1251.001, 1251.002, 1251.003, 1251.004, 1251.005, and 1251.006 as Subchapter A and adding a heading to Subchapter A to read as follows:

SUBCHAPTER A. BOND MATTERS AFFECTING COUNTIES AND MUNICIPALITIES

SECTION 2. Chapter 1251, Government Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. BOND MATTERS AFFECTING MORE THAN ONE TYPE OF
POLITICAL SUBDIVISION

Sec. 1251.051. VOTER INFORMATION DOCUMENT. (a) In this section:

(1) "Bond election order" means the order, ordinance, or resolution, adopted by the governing body of a political subdivision, that orders an election to authorize the political subdivision to issue a bond.

(2) "Political subdivision" means a county, municipality, school district, junior college district, other special district, or other subdivision of state government.

(b) This section applies only to a political subdivision with at least 250 registered voters on the date the governing body

1 of the political subdivision adopts the bond election order.

2 (c) A political subdivision must prepare a separate voter
3 information document for each proposed issuance of bonds secured by
4 and payable from ad valorem taxes before the proposition is
5 submitted to the voters for authorization at a bond election. Each
6 voter information document must distinctly state:

7 (1) the language that will appear on the ballot;

8 (2) the purpose for which the bonds are to be
9 authorized;

10 (3) that taxes sufficient to pay the annual principal
11 of and interest on the bonds may be imposed;

12 (4) the maximum rate of interest for the bonds to be
13 authorized;

14 (5) the maturity date of the bonds to be authorized or
15 that the bonds may be issued to mature over a specified number of
16 years not to exceed the maximum number of years authorized by law;

17 (6) the following information as a total amount and,
18 if the political subdivision is a municipality, county, or school
19 district, as a per capita amount:

20 (A) the principal of the bonds to be authorized;

21 (B) the estimated interest for the bonds to be
22 authorized;

23 (C) the estimated combined principal and
24 interest required to pay the bonds to be authorized on time and in
25 full;

26 (D) as of the first day of the political
27 subdivision's fiscal year in which the political subdivision adopts

1 the bond election order, the principal of all outstanding bonded
2 debt of the political subdivision secured by and payable from ad
3 valorem taxation;

4 (E) as of the first day of the political
5 subdivision's fiscal year in which the political subdivision adopts
6 the bond election order, the estimated remaining interest of all
7 outstanding bonds of the political subdivision secured by and
8 payable from ad valorem taxation; and

9 (F) as of the first day of the political
10 subdivision's fiscal year in which the political subdivision adopts
11 the bond election order, the estimated combined principal and
12 interest required to pay all outstanding bonds of the political
13 subdivision secured by and payable from ad valorem taxation on time
14 and in full;

15 (7) the ad valorem debt service tax rate expressed in
16 dollars per \$100 valuation of all taxable property in the political
17 subdivision, stated as:

18 (A) the existing rate;

19 (B) the estimated rate if the bonds are issued;

20 and

21 (C) the estimated percentage increase in the rate
22 if the bonds are issued;

23 (8) if the political subdivision is a municipality,
24 county, or school district, the amount of the ad valorem debt
25 service tax levy of the political subdivision per residence based
26 on the current average residential property value in the political
27 subdivision, stated as:

1 (A) the existing levy;
2 (B) the estimated levy if the bonds are issued;
3 and
4 (C) the estimated percent increase in the levy if
5 the bonds are issued;

6 (9) the address where a person may submit a request for
7 public information to the political subdivision under Chapter 552;
8 and

9 (10) any other information that the political
10 subdivision considers relevant or necessary to explain the values
11 required by Subdivisions (4), (5), (6), (7), and (8), including:

12 (A) an amount required by Subdivision (6) stated
13 as a per capita amount if the political subdivision is not required
14 to provide the amount under that subdivision;

15 (B) an amount required by Subdivision (8) stated
16 as a per residence amount if the political subdivision is not
17 required to provide the amount under that subdivision; and

18 (C) a value for the following expressed as a
19 projection as of the last day of the maximum term of the bonds to be
20 authorized:

21 (i) a per capita amount required by
22 Subdivision (6);

23 (ii) an estimated rate required by
24 Subdivision (7)(B); and

25 (iii) an estimated levy required by
26 Subdivision (8)(B).

27 (d) Not later than the 21st day before the date of the bond

1 election, the political subdivision shall ensure that each voter
2 information document described by Subsection (c) is:

3 (1) provided to the public in accordance with the
4 requirements for a notice of an election under Section 4.003,
5 Election Code;

6 (2) posted on the political subdivision's Internet
7 website until the first day after the date of the bond election; and

8 (3) made available to any person in accordance with
9 Chapter 552.

10 (e) The secretary of state may provide a sample form of a
11 voter information document for use by a political subdivision.

12 (f) The Texas Ethics Commission shall provide guidelines
13 for political subdivisions regarding how to provide additional
14 information on a voter information document without violating
15 electioneering and political advertising laws, including Section
16 255.003, Election Code, and Section 11.169, Education Code.

17 (g) A good faith estimate in a voter information document of
18 an estimate required by Subsection (c)(6) or an estimate or
19 projection authorized by Subsection (c)(10) does not constitute a
20 breach of contract with the voters solely because the estimate or
21 projection is later determined to be incorrect.

22 (h) For the purpose of determining the number of registered
23 voters in a political subdivision under Subsection (b), the
24 governing body of the political subdivision shall use the best
25 available information. The governing body may rely conclusively on
26 a list of registered voters in the political subdivision provided
27 by the county voter registrar to the political subdivision not

1 earlier than the 30th day before the date the bond election order is
2 adopted. The county voter registrar shall provide the list of
3 registered voters on request of the governing body.

4 (i) A political subdivision shall maintain an Internet
5 website to comply with this section.

6 SECTION 3. (a) Section 1251.051, Government Code, as added
7 by this Act, applies only to a bond election ordered on or after
8 January 1, 2016. A bond election ordered before January 1, 2016, is
9 governed by the law in effect when the bond election was ordered,
10 and the former law is continued in effect for that purpose.

11 (b) Not later than December 1, 2015, the Texas Ethics
12 Commission shall make available on the Texas Ethics Commission's
13 Internet website the guidelines required by Section 1251.051(f),
14 Government Code, as added by this Act.

15 SECTION 4. This Act takes effect September 1, 2015.