

1-1 By: Deshotel (Senate Sponsor - Creighton) H.B. No. 2819
1-2 (In the Senate - Received from the House May 13, 2015;
1-3 May 13, 2015, read first time and referred to Committee on
1-4 Administration; May 14, 2015, reported favorably by the following
1-5 vote: Yeas 6, Nays 0; May 14, 2015, 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	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to improvement projects of the Sabine-Neches Navigation
1-18 District of Jefferson County, Texas; providing authority to issue
1-19 anticipation notes and time warrants.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Chapter 1472, Acts of the 77th Legislature,
1-22 Regular Session, 2001, is amended by adding Section 6B to read as
1-23 follows:

1-24 Sec. 6B. WATERWAY IMPROVEMENT PROJECT. (a) In this
1-25 section:

1-26 (1) "Improvement project" means the Sabine-Neches
1-27 Waterway Improvement Project.

1-28 (2) "Project sponsor" has the meaning assigned by the
1-29 Water Resources Reform and Development Act of 2014 (Pub. L. No.
1-30 113-121).

1-31 (b) The district is the project sponsor of the existing
1-32 Sabine-Neches Waterway and the improvement project authorized by
1-33 the Water Resources Reform and Development Act of 2014 (Pub. L. No.
1-34 113-121) to improve an existing facility of the district and deepen
1-35 the Sabine-Neches Waterway. The district is also the nonfederal
1-36 cost-sharing sponsor of the improvement project. The commission
1-37 shall make a determination on matters that may be required or
1-38 desirable as a project sponsor to implement the improvement
1-39 project.

1-40 (c) In the district's capacity as the project sponsor of the
1-41 improvement project, the district is authorized to enter into any
1-42 contract, agreement, including an economic development agreement,
1-43 or lease as necessary or convenient to carry out any of the
1-44 district's powers granted under this section. A contract,
1-45 agreement, or lease, including any amendments to a contract,
1-46 agreement, or lease, may provide any terms and conditions, and be
1-47 for any term of years, as the commission determines are in the best
1-48 interests of the district. The contract, agreement, or lease may be
1-49 entered into with any person, political subdivision, or
1-50 governmental agency, including the United States, the secretary of
1-51 the army or the secretary of the army's designees, the Army Corps of
1-52 Engineers, any local government, any county government, any special
1-53 district or authority, any local government corporation, any
1-54 transportation corporation, any tax increment reinvestment zone,
1-55 the State of Texas, any agency of the State of Texas, and any other
1-56 entity. The district is authorized to enter into contracts with a
1-57 private entity to develop or operate any part of the improvement
1-58 project under Chapter 2267, Government Code, and those contracts
1-59 may provide that the private entity:

1-60 (1) perform all or any part of the district's
1-61 obligations under contracts or agreements with the United States;

2-1 and

2-2 (2) use revenue or other money from the improvement
 2-3 project to prepay for duties or tariffs, including duties or
 2-4 tariffs that may not be effective until the improvement project is
 2-5 partially or wholly completed, which may be credited against future
 2-6 duties or tariffs.

2-7 (d) The district may enter into a contract, agreement, or
 2-8 lease under Section 49.108 or 60.120, Water Code, as determined by
 2-9 the commission.

2-10 (e) The district is not required to obtain approval from the
 2-11 Texas Commission on Environmental Quality for the district's
 2-12 contracts or financing related to the improvement project. Any
 2-13 contracts or agreements of the district may be renewed or extended,
 2-14 and any time warrants or maintenance notes may be refunded in the
 2-15 manner provided by general law.

2-16 (f) The district may provide that payments required by any
 2-17 of the district's contracts, agreements, or leases may be payable
 2-18 from the sale of notes, taxes, or bonds, or any combination of
 2-19 notes, taxes, or bonds, or may be secured by a lien on or a pledge of
 2-20 any available funds, including proceeds of the district's
 2-21 maintenance tax, and may be payable subject to annual appropriation
 2-22 by the district. Sections 26.04, 26.05, 26.07, and 26.012, Tax
 2-23 Code, do not apply to maintenance taxes levied and collected for
 2-24 payments under a contract, agreement, lease, time warrant, or
 2-25 maintenance note issued or executed under this section.

2-26 (g) The district is authorized to borrow money, receive
 2-27 advances of funds, and enter into repayment agreements for the
 2-28 repayment of borrowed money or advances, and to issue anticipation
 2-29 notes, time warrants, and maintenance notes. The anticipation
 2-30 notes may be issued in accordance with Chapter 1431, Government
 2-31 Code, in the same manner as an eligible countywide district. Tax
 2-32 anticipation notes issued under this subsection may not exceed 75
 2-33 percent of the revenue or taxes anticipated to be collected in that
 2-34 year and shall be payable during the district's current fiscal
 2-35 year. Time warrants and maintenance notes issued under this
 2-36 subsection may be issued to pay for any lawful expenditure of the
 2-37 district and shall be payable over a period not to exceed 35 years
 2-38 from the date of issuance.

2-39 (h) The commission shall determine whether the amount of the
 2-40 district's maintenance taxes and other available resources
 2-41 required to pay the district's existing obligations is also
 2-42 sufficient to pay the debt service on any time warrants or
 2-43 maintenance notes issued under this section. In evaluating the tax
 2-44 rate, the commission may include in the district's budget an
 2-45 improvement project fund, which may be funded to assure that
 2-46 adequate funds are available to the district to comply with the
 2-47 district's covenants and obligations during future years when the
 2-48 amounts projected to be needed will exceed the then-current
 2-49 available maintenance tax funds.

2-50 SECTION 2. (a) The legal notice of the intention to
 2-51 introduce this Act, setting forth the general substance of this
 2-52 Act, has been published as provided by law, and the notice and a
 2-53 copy of this Act have been furnished to all persons, agencies,
 2-54 officials, or entities to which they are required to be furnished
 2-55 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 2-56 Government Code.

2-57 (b) The governor, one of the required recipients, has
 2-58 submitted the notice and Act to the Texas Commission on
 2-59 Environmental Quality.

2-60 (c) The Texas Commission on Environmental Quality has filed
 2-61 its recommendations relating to this Act with the governor, the
 2-62 lieutenant governor, and the speaker of the house of
 2-63 representatives within the required time.

2-64 (d) All requirements of the constitution and laws of this
 2-65 state and the rules and procedures of the legislature with respect
 2-66 to the notice, introduction, and passage of this Act are fulfilled
 2-67 and accomplished.

2-68 SECTION 3. This Act takes effect immediately if it receives
 2-69 a vote of two-thirds of all the members elected to each house, as

3-1 provided by Section 39, Article III, Texas Constitution. If this
3-2 Act does not receive the vote necessary for immediate effect, this
3-3 Act takes effect September 1, 2015.

3-4

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