

By: Bell

H.B. No. 4183

Substitute the following for H.B. No. 4183:

By: Larson

C.S.H.B. No. 4183

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the administration of certain water districts.

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

4 SECTION 1. Section 49.181, Water Code, is amended by
5 amending Subsection (f) and adding Subsections (i), (j), (k), and
6 (l) to read as follows:

7 (f) The commission shall determine whether the project to be
8 financed by the bonds is feasible and issue an order either
9 approving or disapproving, as appropriate, the issuance of the
10 bonds. If the commission determines that an application for the
11 approval of bonds complies with the requirements for financial
12 feasibility and the district submitting the application is not
13 required to comply with rules regarding project completion, the
14 commission may not disapprove the issuance of bonds for all or a
15 portion of a project or require that the funding for all or a
16 portion of a project be escrowed solely on the basis that the
17 construction of the project is not complete at the time of the
18 commission's determination. The commission shall retain a copy of
19 the order and send a copy of the order to the district.

20 (i) An application for the approval of bonds under this
21 section may include financing for payment of creation and
22 organization expenses. Expenses are creation and organization
23 expenses if the expenses were incurred through the date of the
24 canvassing of the confirmation election. A commission rule

1 regarding continuous construction periods or the length of time for
2 the payment of expenses during construction periods does not apply
3 to expenses described by this section.

4 (j) The commission shall approve an application to issue
5 bonds to finance the costs of spreading and compacting fill to
6 remove property from the 100-year floodplain made by a levee
7 improvement district if the application otherwise meets all
8 applicable requirements for bond applications.

9 (k) The commission shall approve an application to issue
10 bonds to finance the costs of spreading and compacting fill to
11 provide drainage that is made by a municipal utility district or a
12 district with the powers of a municipal utility district if the
13 costs are less than the cost of constructing or improving drainage
14 facilities.

15 (l) If a district is approved for the issuance of bonds by
16 the commission to use a certain return flow of wastewater, the
17 approval applies to subsequent bond authorizations unless the
18 district seeks approval to use a different return flow of
19 wastewater.

20 SECTION 2. Section 49.273(i), Water Code, is amended to
21 read as follows:

22 (i) If changes in plans, [~~or~~] specifications, or scope of
23 work are necessary or beneficial to the district, as determined by
24 the board, after the performance of the contract is begun, or if it
25 is necessary or beneficial to the district, as determined by the
26 board, to decrease or increase the quantity of the work to be
27 performed or of the materials, equipment, or supplies to be

1 furnished, the board may approve change orders making the changes.
2 The board may grant authority to an official or employee
3 responsible for purchasing or for administering a contract to
4 approve a change order that involves an increase or decrease of
5 \$50,000 or less. The aggregate of the change orders that ~~[may not]~~
6 increase the original contract price by more than 25 percent~~[~~
7 ~~Additional change orders]~~ may be issued only as a result of
8 unanticipated conditions encountered during construction, repair,
9 or renovation or changes in regulatory criteria or to facilitate
10 project coordination with other political entities. A change order
11 is not subject to the requirements of Subsection (d) or (e).

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2017.