

BILL ANALYSIS

C.S.H.B. 4082
By: Goldman
Pensions, Investments & Financial Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A constituent raised concerns regarding the purposes for which certificates of obligation or anticipation notes may be authorized by a county or municipality. Current law authorizes the issuance of certificates of obligation and anticipation notes for a public work; however, that term is not defined in statute. C.S.H.B. 4082 addresses this issue by defining what does and does not constitute a public work for purposes of a local government's authority to issue a certificate of obligation or anticipation note.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4082 amends the Local Government Code and the Government Code to categorize any of the following public improvements as authorized by law for an issuer that is a municipality or county as a public work for purposes of both the Certificate of Obligation Act of 1971 and statutory provisions relating to anticipation notes used to pay for certain obligations:

- a street, road, highway, bridge, sidewalk, or parking structure;
- a landfill;
- an airport;
- a utility system, water supply project, water treatment plant, wastewater treatment plant, or water or wastewater conveyance facility;
- a wharf or dock;
- a flood control and drainage project;
- a public safety facility, including a police station, fire station, emergency shelter, jail, or juvenile detention facility;
- a judicial facility;
- an administrative office building housing the governmental functions of the municipality or county;
- an animal shelter;
- a library; or
- a park or recreation facility that is generally accessible to the public and is dedicated as part of the municipal or county park system.

The following are expressly not considered a public work for those purposes:

- a facility for professional or semi-professional sports;
- a stadium, arena, civic center, convention center, or coliseum; or
- a hotel.

C.S.H.B. 4082 applies only to a certificate of obligation or an anticipation note issued on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

C.S.H.B. 4082 differs from the introduced in minor or nonsubstantive ways by conforming to certain bill drafting conventions.