By: Kerwin H.B. No. 1209

A BILL TO BE ENTITLED

AN ACT

relating to an election to approve the issuance of bonds or other debt.

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

SECTION 1. The heading to Chapter 2, Election Code, is amended to read as follows:

CHAPTER 2. VOTE REQUIRED FOR ELECTION [~~TO OFFICE~~]

SECTION 2. Chapter 2, Election Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. SUPERMAJORITY REQUIREMENT FOR CERTAIN ELECTIONS

Sec. 2.101. CERTAIN POLITICAL SUBDIVISION ELECTIONS. Notwithstanding any other law, an election held by a political subdivision to authorize the issuance of bonds or other debt does not authorize the issuance of bonds or other debt unless at least two-thirds of the voters voting on the proposition authorizing the issuance of bonds or other debt vote in favor of the proposition.

SECTION 3. Subchapter A, Chapter 41, Election Code, is amended by adding Section 41.0051 to read as follows:

Sec. 41.0051. PROPOSITION FOR APPROVAL OF ISSUANCE OF BONDS OR OTHER DEBT. (a) A proposition for approval of the issuance of bonds or other debt other than an election under Section 25.08 or 26.07, Tax Code, shall be submitted to the voters in an election held on the November uniform election date.

(b) Notwithstanding Section 41.0011, a proposition

described by Subsection (a) may not be submitted to the voters in an election held under that section.

(c) If a law outside this code requires a proposition described by Subsection (a) to be submitted to the voters in an election held on a date other than the November uniform election date, the authority administering the election shall set the election date to comply with this section.

SECTION 4. Section 1251.001, Government Code, is amended to read as follows:

Sec. 1251.001. BOND ELECTION REQUIRED. (a) A political subdivision [~~county or municipality~~] may not issue bonds [~~that are to be paid from ad valorem taxes~~] unless the issuance is first approved by the qualified voters of the political subdivision [~~county or municipality~~] in an election.

(b) To the extent of a conflict between this section and another law, this section controls.

SECTION 5. Section 1251.003(d), Government Code, is amended to read as follows:

(d) In addition to the notice required by Section 4.003(c), Election Code, notice of the election shall be given by:

(1) posting a substantial copy of the election order at:

(A) three public places in the political subdivision [~~county or municipality~~] holding the election; and

(B) the county courthouse of any county in which the political subdivision is located, if the election is held by a political subdivision other than a municipality [~~a county~~

~~election~~], or the city hall, if the election is a municipal election; and

(2) publishing notice of the election in a newspaper of general circulation published in the political subdivision [~~county or municipality~~] holding the election.

SECTION 6. Section 1251.004, Government Code, is amended to read as follows:

Sec. 1251.004. IMPOSITION OF TAX. At an election ordered on the issuance of bonds of a [~~county or municipality, or of a~~] political subdivision or a defined district of a county or municipality payable from ad valorem taxes, the governing body of the political subdivision [~~county or municipality~~] shall also submit the question of whether to impose a tax on property in the [~~county, municipality,~~] political subdivision[~~,~~] or defined district to pay interest on the bonds and to provide a sinking fund to redeem the bonds.

SECTION 7. Section 1251.006, Government Code, is repealed.

SECTION 8. (a) The changes in law made by this Act to Chapter 1251, Government Code, apply only to bonds authorized to be issued or a tax increase authorized on or after the effective date of this Act. Bonds or a tax increase authorized before the effective date of this Act are governed by the law in effect when the bonds or tax increase was authorized, and the former law is continued in effect for that purpose.

(b) The changes in law made by this Act to Chapters 2 and 41, Election Code, apply only to an election ordered on or after the effective date of this Act. An election ordered before the

effective date of this Act is governed by the law in effect when the election was ordered.

SECTION 9. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2027.