

1-1 By: Martinez, et al. (Senate Sponsor - Hinojosa) H.B. No. 3220
 1-2 (In the Senate - Received from the House May 11, 2015;
 1-3 May 11, 2015, read first time and referred to Committee on
 1-4 Intergovernmental Relations; May 18, 2015, reported favorably by
 1-5 the following vote: Yeas 5, Nays 0; May 18, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7	X			
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 the powers and duties of the Hidalgo County Water
 1-18 Control and Improvement District No. 18; providing authority to
 1-19 issue bonds; providing authority to impose fees and taxes.

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

1-21 SECTION 1. Subtitle I, Title 6, Special District Local Laws
 1-22 Code, is amended by adding Chapter 9067 to read as follows:

1-23 CHAPTER 9067. HIDALGO COUNTY WATER CONTROL AND IMPROVEMENT

1-24 DISTRICT NO. 18

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 9067.001. DEFINITION. In this chapter, "district"
 1-27 means the Hidalgo County Water Control and Improvement District No.
 1-28 18.

1-29 Sec. 9067.002. NATURE AND PURPOSES OF DISTRICT. (a) The
 1-30 district is a water control and improvement district created under
 1-31 Section 59, Article XVI, Texas Constitution.

1-32 (b) The district is created to accomplish the purposes of:

1-33 (1) a water control and improvement district as
 1-34 provided by general law and Section 59, Article XVI, Texas
 1-35 Constitution; and

1-36 (2) Section 52, Article III, Texas Constitution, that
 1-37 relate to the construction, acquisition, improvement, operation,
 1-38 or maintenance of macadamized, graveled, or paved roads, or
 1-39 improvements, including storm drainage, in aid of those roads.

1-40 SUBCHAPTER B. POWERS AND DUTIES

1-41 Sec. 9067.051. GENERAL POWERS AND DUTIES. The district has
 1-42 the powers and duties necessary to accomplish the purposes for
 1-43 which the district is created.

1-44 Sec. 9067.052. WATER CONTROL AND IMPROVEMENT DISTRICT
 1-45 POWERS AND DUTIES. The district has the powers and duties provided
 1-46 by the general law of this state, including Chapters 49 and 51,
 1-47 Water Code, applicable to water control and improvement districts
 1-48 created under Section 59, Article XVI, Texas Constitution,
 1-49 including the power to construct, participate in, own, maintain,
 1-50 and provide services related to water conservation projects, lakes,
 1-51 reservoirs, canals, and wells, and water, sewer, recycled water,
 1-52 and related utility facilities.

1-53 Sec. 9067.053. AUTHORITY FOR ROAD PROJECTS. Under Section
 1-54 52, Article III, Texas Constitution, the district may design,
 1-55 acquire, construct, finance, issue bonds for, improve, operate,
 1-56 maintain, and convey to this state, a county, a municipality, or a
 1-57 public improvement district within a municipality for operation and
 1-58 maintenance macadamized, graveled, or paved roads, or
 1-59 improvements, including storm drainage, lakes, reservoirs, canals,
 1-60 underground drainage, and water treatment systems, in aid of those
 1-61 roads.

2-1 Sec. 9067.054. ROAD STANDARDS AND REQUIREMENTS. (a) A road
2-2 project must meet all applicable construction standards, zoning and
2-3 subdivision requirements, and regulations of each municipality in
2-4 whose corporate limits or extraterritorial jurisdiction the road
2-5 project is located.

2-6 (b) If a road project is not located in the corporate limits
2-7 or extraterritorial jurisdiction of a municipality, the road
2-8 project must meet all applicable construction standards,
2-9 subdivision requirements, and regulations of each county in which
2-10 the road project is located.

2-11 (c) If the state will maintain and operate the road, the
2-12 Texas Transportation Commission must approve the plans and
2-13 specifications of the road project.

2-14 Sec. 9067.055. PARTICIPATION IN WATER CONSERVATION
2-15 PROJECTS. The district may participate in the funding and
2-16 construction of improvements related to water conservation
2-17 projects within the City of McAllen Tax Increment Reinvestment Zone
2-18 Number One. Those projects include the construction of lakes,
2-19 reservoirs, drainage facilities, recycled water facilities,
2-20 constructed wetlands and filtration systems, and related
2-21 infrastructure. The district may not engage in projects authorized
2-22 by this section outside of the boundaries of the district. The
2-23 district may exercise the powers under this section only in
2-24 cooperation with a public improvement district located within the
2-25 boundaries of the City of McAllen Tax Increment Reinvestment Zone
2-26 Number One under an agreement between the district and the public
2-27 entity or improvement district.

2-28 SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

2-29 Sec. 9067.101. AUTHORITY TO ISSUE BONDS AND OTHER
2-30 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or
2-31 other obligations payable wholly or partly from ad valorem taxes,
2-32 impact fees, revenue, contract payments, grants, or other district
2-33 money, or any combination of those sources, to pay for a project
2-34 authorized by Section 9067.053 or 9067.055.

2-35 (b) The district may not issue bonds payable from ad valorem
2-36 taxes to finance a road project unless the issuance is approved by a
2-37 vote of a two-thirds majority of the district voters voting at an
2-38 election held for that purpose.

2-39 (c) At the time of issuance, the total principal amount of
2-40 bonds or other obligations issued or incurred to finance road
2-41 projects and payable from ad valorem taxes may not exceed
2-42 one-fourth of the assessed value of real property in the district.

2-43 Sec. 9067.102. TAXES FOR BONDS. At the time the district
2-44 issues bonds payable wholly or partly from ad valorem taxes, the
2-45 board shall provide for the annual imposition of a continuing
2-46 direct ad valorem tax, without limit as to rate or amount, while all
2-47 or part of the bonds are outstanding.

2-48 SECTION 2. The Hidalgo County Water Control and Improvement
2-49 District No. 18 retains all the rights, powers, privileges,
2-50 authority, duties, and functions that it had before the effective
2-51 date of this Act.

2-52 SECTION 3. (a) The legislature validates and confirms all
2-53 acts and proceedings of the Hidalgo County Water Control and
2-54 Improvement District No. 18 that were taken before the effective
2-55 date of this Act.

2-56 (b) Subsection (a) of this section does not apply to any
2-57 matter that on the effective date of this Act:

2-58 (1) is involved in litigation if the litigation
2-59 ultimately results in the matter being held invalid by a final
2-60 judgment of a court; or

2-61 (2) has been held invalid by a final judgment of a
2-62 court.

2-63 SECTION 4. (a) The legal notice of the intention to
2-64 introduce this Act, setting forth the general substance of this
2-65 Act, has been published as provided by law, and the notice and a
2-66 copy of this Act have been furnished to all persons, agencies,
2-67 officials, or entities to which they are required to be furnished
2-68 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
2-69 Government Code.

3-1 (b) The governor, one of the required recipients, has
3-2 submitted the notice and Act to the Texas Commission on
3-3 Environmental Quality.

3-4 (c) The Texas Commission on Environmental Quality has filed
3-5 its recommendations relating to this Act with the governor, the
3-6 lieutenant governor, and the speaker of the house of
3-7 representatives within the required time.

3-8 (d) All requirements of the constitution and laws of this
3-9 state and the rules and procedures of the legislature with respect
3-10 to the notice, introduction, and passage of this Act are fulfilled
3-11 and accomplished.

3-12 SECTION 5. This Act takes effect immediately if it receives
3-13 a vote of two-thirds of all the members elected to each house, as
3-14 provided by Section 39, Article III, Texas Constitution. If this
3-15 Act does not receive the vote necessary for immediate effect, this
3-16 Act takes effect September 1, 2015.

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