

By: Isaac

H.B. No. 4184

A BILL TO BE ENTITLED

AN ACT

relating to the Hays County Development District No. 1.

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

SECTION 1. Section 1, Chapter 1503, Acts of the 77th Legislature, Regular Session, 2001, is amended by amending Subsections (a) and (c) and adding Subsections (d) and (e) to read as follows:

(a) The legislature finds that the creation of Hays County Development District No. 1 (the "district"), ~~and~~ the project approved by the Hays County Commissioners Court on January 11, 2000 (the "project"), and other projects described by Section 5A will serve the public purpose of attracting visitors and tourists to Hays County and will result in employment and economic activity in the manner contemplated by Section 52-a, Article III, Texas Constitution, and Chapter 383, Local Government Code.

(c) The legislature further finds that the creation and operation of the district and the acquisition or financing of the project or another project described by Section 5A by the district serve the purpose of Section 59, Article XVI, and Section 52, Article III, Texas Constitution, and that all steps necessary to create the district have been taken.

(d) The legislature further finds that the creation and continued operation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59,

1 Article XVI, Texas Constitution, and other public purposes stated
2 in this Act.

3 (e) A legislative finding made under this Act is conclusive
4 and the district is not required to offer proof of the purpose or
5 results before exercising a power granted by this Act.

6 SECTION 2. Section 5, Chapter 1503, Acts of the 77th
7 Legislature, Regular Session, 2001, is amended to read as follows:

8 Sec. 5. POWERS. (a) The district has all of the rights,
9 powers, privileges, authority, functions, and duties provided by
10 Chapters 375 and 383, Local Government Code, to county development
11 districts and municipal management districts, and by Chapters 49
12 and 54, Water Code, to municipal utility districts.

13 (b) The district's rights, powers, privileges, authority,
14 functions, and duties include, [~~including~~] but are not limited to:

15 (1) the authority to levy, assess, and collect ad
16 valorem taxes for the purposes approved at the elections conducted
17 on November 7, 2000, or at an election conducted in the district
18 after that date;

19 (2) the authority, after approval by voters at an
20 election conducted within the boundaries of the district, to levy,
21 assess and collect taxes for maintenance and operating purposes in
22 the manner set forth in Sections 49.107(a)-(e), Water Code, and for
23 the repayment of bonds, notes, warrants, lease purchase agreements,
24 certificates of assessment, certificates of participation in lease
25 purchase agreements, and other interest-bearing obligations in the
26 manner set forth in Sections 49.106(a)-(d), Water Code, and for all
27 of the purposes for which the district may expend funds;

1 (3) to establish, levy, and collect special
2 assessments in the manner specified in Sections 375.111-375.124,
3 Local Government Code; provided, however, that Sections
4 375.161-375.163, Local Government Code, shall not apply to the
5 assessments imposed by the district;

6 (4) to utilize funds, whether the funds are derived
7 from ad valorem taxes, sales and use taxes, hotel occupancy taxes,
8 assessments, revenues from the project, or any other source, for
9 payment of projects or services in the manner authorized by
10 Section 375.181, Local Government Code, ~~[and]~~ Chapter 383, Local
11 Government Code, and Chapter 54, Water Code;

12 (5) to enter into obligations, including, but not
13 limited to, lease purchase agreements, certificates of
14 participation in lease purchase agreements, general obligation
15 bonds and notes and revenue bonds and notes, and combination
16 general obligation and revenue bonds and notes and other
17 interest-bearing obligations, in the manner specified in Sections
18 375.201-375.205 [~~375.201-375.204~~], Local Government Code. To
19 enter into these obligations, the district shall obtain only those
20 approvals required for the issuance of obligations by Hays County
21 by Chapter 53, Acts of the 70th Legislature, Second Called Session,
22 1987;

23 (6) to adopt and exercise the rights, powers, and
24 authority of a road district under Section 52(b)(3), Article III,
25 Texas Constitution, in the manner specified in Sections 53.029(c)
26 and (d), Water Code;

27 (7) to levy, assess, and collect ad valorem taxes to

1 make payments on a contract under Sections 49.108(a)-(d), Water
2 Code, after obtaining those approvals specified in Section 1,
3 Chapter 778, Acts of the 74th Legislature, Regular Session, 1995;

4 (8) to exercise all of the rights, powers, and
5 authority of a ~~[road district, a municipal management district, and~~
6 ~~a]~~ water control and improvement district which are not
7 specifically contradicted by Chapter 383, Local Government Code;
8 and

9 (9) to exercise all of the rights, powers, and
10 authority granted to the district by this Act, and all of the
11 rights, powers, and authority granted to the district by Chapters
12 383 and 375, Local Government Code, and to a municipal utility
13 district by Chapters 49 and 54, Water Code, which are not contrary
14 to ~~[any provisions of]~~ this Act, to finance, construct, or
15 otherwise acquire the project, [or] any element of the project, or
16 another project described by Section 5A ~~[identified in the~~
17 ~~Commissioners Court Order Upon Hearing and Granting Petition~~
18 ~~Requesting the Creation of Hays County Development District No. 1~~
19 ~~and Appointing Temporary Directors dated January 11, 2000],~~
20 including, but not limited to, a ~~[the]~~ hotel, a ~~[the]~~ golf course,
21 ~~[the]~~ water, sewer, drainage, and road improvements, ~~[the]~~
22 organizational costs, and ~~[the]~~ costs of issuance of the
23 obligations of the district.

24 SECTION 3. Chapter 1503, Acts of the 77th Legislature,
25 Regular Session, 2001, is amended by adding Sections 5A, 5B, and 5C
26 to read as follows:

27 Sec. 5A. DISTRICT PROJECTS. (a) The district may provide,

1 or it may contract with a governmental or private entity to provide,
2 the following types of projects or activities in support of or
3 incidental to those projects:

4 (1) the project approved by the Hays County
5 Commissioners Court on January 11, 2000, wholly or partly;

6 (2) an improvement project that is a public
7 improvement, facility, or service that may be provided by the
8 district under the powers granted to the district of a county
9 development district, municipal management district, municipal
10 utility district, or water control and improvement district,
11 including a water, wastewater, reclamation, drainage, road, trail,
12 or bridge improvement; or

13 (3) a project, other than the project or an
14 improvement project described by Subdivision (2), that is approved
15 by the board and that the district is authorized to provide under
16 the powers granted to the district by this Act.

17 (b) A project, improvement, facility, or service described
18 by Subsection (a)(2) or (3) is not required to have been considered
19 for or included in an order issued by the Hays County Commissioners
20 Court on January 11, 2000.

21 Sec. 5B. ROAD STANDARDS AND REQUIREMENTS. (a) A road
22 project must meet all applicable construction standards, zoning and
23 subdivision requirements, and regulations of each municipality in
24 whose corporate limits or extraterritorial jurisdiction the road
25 project is located.

26 (b) If a road project is not located in the corporate limits
27 or extraterritorial jurisdiction of a municipality, the road

1 project must meet all applicable construction standards,
2 subdivision requirements, and regulations of each county in which
3 the road project is located.

4 (c) If the state will maintain and operate the road, the
5 Texas Transportation Commission must approve the plans and
6 specifications of the road project.

7 Sec. 5C. LIMIT ON EMINENT DOMAIN POWER. The district may
8 not exercise the power of eminent domain outside the district and in
9 the corporate limits or extraterritorial jurisdiction of a
10 municipality unless the governing body of the municipality consents
11 by ordinance or resolution.

12 SECTION 4. Section 7, Chapter 1503, Acts of the 77th
13 Legislature, Regular Session, 2001, is amended by adding Subsection
14 (f) to read as follows:

15 (f) Section 375.070, Local Government Code, does not apply
16 to the district. A director is entitled to receive fees of office
17 and reimbursement for actual expenses as provided by Section
18 49.060, Water Code, except that:

19 (1) a director is entitled to receive fees of office of
20 not more than \$200 a day for each day the director actually spends
21 performing the duties of a director; and

22 (2) the district may not set the annual limit on the
23 fees of office that a director may receive at an amount greater than
24 \$8,200.

25 SECTION 5. Section 8, Chapter 1503, Acts of the 77th
26 Legislature, Regular Session, 2001, is amended to read as follows:

27 Sec. 8. LEGISLATIVE FINDINGS. ~~[The legislature finds that~~

~~the principal function of the district is to provide for development and operation of the project, to facilitate economic development, and to attract visitors and tourists, which will result in employment and economic activity in Hays County.]~~ The legislature finds that the district may provide water and sewer, landscaping, road, drainage, and reclamation services to residential retail or commercial customers in the district. The district is a district described in Section 49.181(h)(4), Water Code.

SECTION 6. Section 9, Chapter 1503, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

Sec. 9. ADDITION AND EXCLUSION OF LANDS. (a) Except as provided by Subsection (b), in ~~[In]~~ addition to the authority granted to the district by Section 383.084, Local Government Code, the district may add lands in the manner provided by Section 49.301, Water Code, and may exclude lands in the methods provided by Sections 49.303 through 49.308, Water Code.

(b) Section 42.0425, Local Government Code, applies to the annexation of land in the extraterritorial jurisdiction or corporate boundaries of a municipality.

(c) Land added or annexed under this section is not required to be contiguous to the district's territory.

SECTION 7. This Act does not affect an agreement between the district and a municipality in whose corporate limits or extraterritorial jurisdiction the district is located that was entered into before the effective date of this Act. This section does not affect the authority of the district and municipality to

1 amend such an agreement.

2 SECTION 8. (a) The legislature confirms and validates all
3 actions of the Hays County Development District No. 1 that were
4 taken before the effective date of this Act, including any
5 elections conducted by the district, including any election to
6 impose maintenance and operation taxes or to adopt the powers of a
7 road district.

8 (b) The Hays County Development District No. 1 is not
9 required to repeat an election described by Subsection (a) of this
10 section.

11 SECTION 9. (a) The legal notice of the intention to
12 introduce this Act, setting forth the general substance of this
13 Act, has been published as provided by law, and the notice and a
14 copy of this Act have been furnished to all persons, agencies,
15 officials, or entities to which they are required to be furnished
16 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
17 Government Code.

18 (b) The Texas Commission on Environmental Quality has filed
19 its recommendations relating to this Act with the governor, the
20 lieutenant governor, and the speaker of the house of
21 representatives within the required time.

22 (c) All requirements of the constitution and laws of this
23 state and the rules and procedures of the legislature with respect
24 to the notice, introduction, and passage of this Act are fulfilled
25 and accomplished.

26 SECTION 10. This Act takes effect immediately if it
27 receives a vote of two-thirds of all the members elected to each

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