

By: Rose

H.B. No. 1946

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the definition of project in the Hays County  
3 Development District No. 1.

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

5 SECTION 1. Section 1(a), Chapter 1503, Acts of the 77th  
6 Legislature, Regular Session, 2001, is amended to read as follows:

7 (a) The legislature finds that the creation of Hays County  
8 Development District No. 1 (the "district") and the project  
9 ~~[approved by the Hays County Commissioners Court on January 11,~~  
10 ~~2000 (the "project"),]~~ will serve the public purpose of attracting  
11 visitors and tourists to Hays County and will result in employment  
12 and economic activity in the manner contemplated by Section 52-a,  
13 Article III, Texas Constitution, and Chapter 383, Local Government  
14 Code.

15 SECTION 2. Chapter 1503, Acts of the 77th Legislature,  
16 Regular Session, 2001, is amended by adding Section 1A to read as  
17 follows:

18 Sec. 1A. PROJECT. In this Act, "project" means:

19 (1) the project identified in the Commissioners Court  
20 Order Upon Hearing and Granting Petition Requesting the Creation of  
21 Hays County Development District No. 1 and Appointing Temporary  
22 Directors dated January 11, 2000; and

23 (2) any changes to the term approved by order of the  
24 Hays County Commissioners Court.

1 SECTION 3. Section 5, Chapter 1503, Acts of the 77th  
2 Legislature, Regular Session, 2001, is amended to read as follows:

3 Sec. 5. POWERS. The district has all of the rights,  
4 powers, privileges, authority, functions, and duties provided by  
5 Chapters 375 and 383, Local Government Code, to county development  
6 districts and municipal management districts, including but not  
7 limited to:

8 (1) the authority to levy, assess, and collect ad  
9 valorem taxes for the purposes approved at the elections conducted  
10 on November 7, 2000;

11 (2) the authority, after approval by voters at an  
12 election conducted within the boundaries of the district, to levy,  
13 assess and collect taxes for maintenance and operating purposes in  
14 the manner set forth in Sections 49.107(a)-(e), Water Code, and for  
15 the repayment of bonds, notes, warrants, lease purchase agreements,  
16 certificates of assessment, certificates of participation in lease  
17 purchase agreements, and other interest-bearing obligations in the  
18 manner set forth in Sections 49.106(a)-(d), Water Code, and for all  
19 of the purposes for which the district may expend funds;

20 (3) to establish, levy, and collect special  
21 assessments in the manner specified in Sections 375.111-375.124,  
22 Local Government Code; provided, however, that Sections  
23 375.161-375.163, Local Government Code, shall not apply to the  
24 assessments imposed by the district;

25 (4) to utilize funds, whether the funds are derived  
26 from ad valorem taxes, sales and use taxes, hotel occupancy taxes,  
27 revenues from the project, or any other source, for payment of

1 projects or services in the manner authorized by Section 375.181,  
2 Local Government Code, and Chapter 383, Local Government Code;

3 (5) to enter into obligations, including, but not  
4 limited to, lease purchase agreements, certificates of  
5 participation in lease purchase agreements, general obligation  
6 bonds and notes and revenue bonds and notes, and combination  
7 general obligation and revenue bonds and notes and other  
8 interest-bearing obligations, in the manner specified in Sections  
9 375.201-375.204, Local Government Code. To enter into these  
10 obligations, the district shall obtain only those approvals  
11 required for the issuance of obligations by Hays County by Chapter  
12 53, Acts of the 70th Legislature, Second Called Session, 1987;

13 (6) to adopt the powers of a road district under  
14 Section 52(b)(3), Article III, Texas Constitution, in the manner  
15 specified in Sections 53.029(c) and (d), Water Code;

16 (7) to levy, assess, and collect ad valorem taxes to  
17 make payments on a contract under Sections 49.108(a)-(d), Water  
18 Code, after obtaining those approvals specified in Section 1,  
19 Chapter 778, Acts of the 74th Legislature, Regular Session, 1995;

20 (8) to exercise all of the rights, powers, and  
21 authority of a road district, a municipal management district, and  
22 a water control and improvement district which are not specifically  
23 contradicted by Chapter 383, Local Government Code; and

24 (9) to exercise all of the rights, powers, and  
25 authority granted to the district by this Act, and all of the  
26 rights, powers, and authority granted to the district by Chapters  
27 383 and 375, Local Government Code, which are not contrary to any

1 provisions of this Act, to finance, construct, or otherwise acquire  
2 the project or any element of the project [~~identified in the~~  
3 ~~Commissioners Court Order Upon Hearing and Granting Petition~~  
4 ~~Requesting the Creation of Hays County Development District No. 1~~  
5 ~~and Appointing Temporary Directors dated January 11, 2000~~],  
6 including, but not limited to, the hotel, the golf course, the  
7 water, sewer, drainage, and road improvements, the organizational  
8 costs, and the costs of issuance of the obligations of the district.

9 SECTION 4. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2005.