

Amend CSHB 725 (senate committee printing) as follows:

(1) Before SECTION 1 of the bill, between the enacting clause and "SECTION 1." (page 1, between lines 12 and 13), insert the following:

ARTICLE 1. GENERAL PROVISIONS

(2) Renumber the SECTIONS of ARTICLE 1 (page 1, line 13, through page 14, line 1) appropriately.

(3) In SECTION 39 of the bill (page 13, line 63), strike "Act" and substitute "article".

(4) In SECTION 40 of the bill (page 13, line 65), strike "this Act" and substitute "this article".

(5) In SECTION 40 of the bill (page 13, line 67), strike "this Act, take" and substitute "this article, take".

(6) After SECTION 40 of the bill (page 14, line 2), add the following appropriately numbered ARTICLES and SECTIONS:

ARTICLE ____ . HAYS COUNTY DEVELOPMENT DISTRICT NO. 1

SECTION ____ .01. Section 1, Chapter 1503, Acts of the 77th Legislature, Regular Session, 2001, is amended by amending Subsections (a) and (c) and adding Subsection (d) 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 improvement 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 an improvement 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,

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

SECTION ____ .02. Section 5, Chapter 1503, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

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

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

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

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

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

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

(5) to enter into obligations, including, but not limited to, lease purchase agreements, certificates of participation in lease purchase agreements, general obligation

bonds and notes and revenue bonds and notes, and combination general obligation and revenue bonds and notes and other interest-bearing obligations, in the manner specified in Sections 375.201-375.205 [~~375.201-375.204~~], Local Government Code. To enter into these obligations, the district shall obtain only those approvals required for the issuance of obligations by Hays County by Chapter 53, Acts of the 70th Legislature, Second Called Session, 1987, and the approval of the attorney general;

(6) except as provided by Sections 5B and 5C, to adopt the powers of a road district under Section 52(b)(3), Article III, Texas Constitution, in the manner specified in Sections 53.029(c) and (d), Water Code;

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

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

(9) to exercise all of the rights, powers, and authority granted to the district by this Act, and all of the rights, powers, and authority granted to the district by Chapters 383 and 375, Local Government Code, and to a municipal utility district by Chapters 49 and 54, Water Code, which are not contrary to [~~any provisions of~~] this Act, to finance, construct, or otherwise acquire an improvement project described by Section 5A or the project or any element of the project identified in the Commissioners Court Order Upon Hearing and Granting Petition Requesting the Creation of Hays County Development District No. 1 and Appointing Temporary Directors dated January 11, 2000, including, but not limited to, a [~~the~~] hotel, a residential area of a development, a trail or related feature, a commercial activity or endeavor, a [~~the~~] golf course, [~~the~~] water, sewer, drainage, and road improvements, [~~the~~] organizational costs, and [~~the~~] costs of issuance of the obligations of the district.

SECTION ____03. Chapter 1503, Acts of the 77th Legislature, Regular Session, 2001, is amended by adding Sections 5A, 5B, 5C, 5D, and 5E to read as follows:

Sec. 5A. IMPROVEMENT PROJECTS. The district may provide, or it may contract with a governmental or private entity to provide, the following types of improvement projects or activities in support of or incidental to those projects:

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

(2) a public improvement, facility, or service provided by a municipal utility district or municipal management district.

Sec. 5B. ROAD DISTRICT POWERS; BALLOT. If the district adopts the powers described by Section 5(b)(6), a ballot authorized by Section 53.029(c), Water Code, must reference the "Hays County Development District No. 1."

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

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

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

Sec. 5D. LIMIT ON POWERS GRANTED BY OTHER SPECIAL DISTRICT LAWS. Except as provided by this Act, the rights, powers, and authority of a road district, county development district, municipal management district, or municipal utility district granted by this Act may be exercised only in the manner provided by:

(1) Chapter 375, Local Government Code, to a municipal management district;

(2) Chapter 383, Local Government Code, to a county

development district; and

(3) Chapters 49 and 54, Water Code, to a municipal utility district, including review and approval by the Texas Commission on Environmental Quality for water and wastewater improvements.

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

SECTION __.04. Section 8, Chapter 1503, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

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. Except for purposes of Section 49.052, Water Code, the [~~The~~] district is a district described in Section 49.181(h)(4), Water Code.

SECTION __.05. 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 property in the extraterritorial jurisdiction of a municipality.

SECTION __.06. The legislature confirms and validates all actions of the Hays County Development District No. 1 that were taken before May 1, 2011, including any elections conducted by the district, including any election to impose maintenance and

operation taxes or to adopt the powers of a road district.

SECTION ____07. (a) The legal notice of the intention to introduce this article, setting forth the general substance of this article, has been published as provided by law, and the notice and a copy of this article have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

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

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

SECTION ____08. This article takes effect immediately if this Act 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 article takes effect September 1, 2011.