

By: Isaac

H.B. No. 2259

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the Driftwood Economic Development Municipal  
3 Management District; removing conditions to imposing a tax on  
4 residential property.

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

6 SECTION 1. Section 3858.052, Special District Local Laws  
7 Code, is amended to read as follows:

8 Sec. 3858.052. APPOINTMENT OF DIRECTORS. The board  
9 consists of the following directors:

10 (1) Position 1: a person appointed by the  
11 commissioners court;

12 (2) Position 2: a person appointed by the  
13 commissioners court;

14 (3) Position 3: a person appointed by the city  
15 council;

16 (4) Position 4: a person appointed by the city  
17 council; and

18 (5) Position 5: a person appointed by the  
19 commissioners court, who must be the individual, the designee of  
20 the individual, or the designee of the entity that [who] owns more  
21 property in the district than any other individual or entity,  
22 except that if the commissioners court is unable to identify a  
23 qualified person [qualified for Position 5] who is willing and able  
24 to serve, the commissioners court shall appoint to the place a

1 person who is:

2 (A) at least 18 years old; and

3 (B) a resident of this state.

4 SECTION 2. Subchapter B, Chapter 3858, Special District  
5 Local Laws Code, is amended by adding Section 3858.057 to read as  
6 follows:

7 Sec. 3858.057. QUALIFICATIONS OF DIRECTORS; PARTICIPATION  
8 IN VOTING. (a) Sections 375.063 and 375.072, Local Government  
9 Code, do not apply to a director.

10 (b) An official or employee of a public entity may serve on  
11 the board. The common law doctrine of incompatibility does not  
12 disqualify an official or employee of a public entity from serving  
13 as a director.

14 (c) A person appointed to serve on the board under this  
15 chapter is qualified to serve as a director and participate in all  
16 votes pertaining to the business of the district regardless of any  
17 other statutory provision to the contrary.

18 (d) A director may participate in discussion and vote on an  
19 action even if:

20 (1) the director has a beneficial interest in a  
21 business entity that will receive a pecuniary benefit from the  
22 action; or

23 (2) the director is an official or employee of a public  
24 entity and the action relates to assessments on or contracts with  
25 the public entity.

26 SECTION 3. Section 3858.102(a), Special District Local Laws  
27 Code, is amended to read as follows:

1 (a) The district may provide, or it may enter into contracts  
2 with a governmental or private entity to provide, the following  
3 types of improvement projects or services or activities in support  
4 of or incidental to those projects or services:

5 (1) the planning, design, construction, improvement,  
6 operation, and maintenance of:

7 (A) irrigation facilities and landscaping;

8 (B) highway right-of-way or transit corridor  
9 beautification and improvement;

10 (C) lighting, banners, and signs;

11 (D) a street or sidewalk;

12 (E) a hiking or cycling path or trail;

13 (F) a park, lake, garden, recreational facility,  
14 sports facility, open space, scenic area, animal habitat, or  
15 related exhibit or preserve;

16 (G) a fountain, plaza, or pedestrian mall;

17 (H) a drainage or storm-water detention  
18 improvement;

19 (I) a wastewater treatment and disposal  
20 facility;

21 (J) water, wastewater, or drainage facilities or  
22 services;

23 (K) a water quality protection facility;

24 (L) [~~(K)~~] a facility to enhance groundwater  
25 recharge, including a rainwater collection and harvesting system;

26 (M) [~~(L)~~] an alternative energy facility; [~~or~~]

27 (N) [~~(M)~~] solid waste management services,

1 including garbage collection, recycling, and composting; or

2 (O) telecommunications facilities or services;

3 (2) the planning, design, construction, acquisition,  
4 lease, rental, improvement, maintenance, installation, and  
5 management of and provision of furnishings for a facility for:

6 (A) a conference, convention, or exhibition;

7 (B) a manufacturer, consumer, or trade show;

8 (C) a civic, community, or institutional event;

9 or

10 (D) an exhibit, display, attraction, special  
11 event, or seasonal or cultural celebration or holiday; or

12 (3) a special or supplemental service for the  
13 improvement and promotion of the district or for the protection of  
14 public health and safety in the district, including:

15 (A) advertising;

16 (B) promotion;

17 (C) tourism;

18 (D) health and sanitation;

19 (E) public safety;

20 (F) security;

21 (G) fire protection or emergency medical  
22 services;

23 (H) business recruitment;

24 (I) development;

25 (J) elimination of traffic congestion;

26 (K) recreational, educational, or cultural  
27 improvements, enhancements, and services; [~~or~~]

- 1 (L) water, wastewater, or drainage facilities or  
2 services;  
3 (M) telecommunications facilities or services;  
4 or  
5 (N) any similar public improvement, facility, or  
6 service.

7 SECTION 4. Subchapter C, Chapter 3858, Special District  
8 Local Laws Code, is amended by adding Section 3858.1025 to read as  
9 follows:

10 Sec. 3858.1025. ECONOMIC DEVELOPMENT. (a) The district may  
11 engage in activities that accomplish the economic development  
12 purposes of the district.

13 (b) The district may establish and provide for the  
14 administration of one or more programs to promote state or local  
15 economic development and to stimulate business and commercial  
16 activity in the district, including programs to:

- 17 (1) make loans and grants of public money; and  
18 (2) providedistrict personnel and services.

19 (c) The district may create economic development programs  
20 and exercise the economic development powers that Chapter 380,  
21 Local Government Code, provides to a municipality.

22 SECTION 5. Section 3858.104(a), Special District Local Laws  
23 Code, is amended to read as follows:

24 (a) The district may adopt and enforce rules:

25 (1) to administer or operate the district or any  
26 service provided by the district;

27 (2) for the use, enjoyment, availability, protection,

1 security, and maintenance of the district's property and  
2 facilities; or

3 (3) to provide for public safety and security in the  
4 district.

5 SECTION 6. (a) Section 3858.153(c), Special District Local  
6 Laws Code, is repealed.

7 (b) This section takes effect January 1, 2016.

8 SECTION 7. The repeal by this Act of Section 3858.153(c),  
9 Special District Local Laws Code, applies only to ad valorem taxes  
10 that are imposed for an ad valorem tax year that begins on or after  
11 January 1, 2016.

12 SECTION 8. Except as otherwise provided by this Act, this  
13 Act takes effect September 1, 2015.