By: Isaac

H.B. No. 4184

## A BILL TO BE ENTITLED

AN ACT

2 relating to the Hays County Development District No. 1.

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

4 SECTION 1. Section 1, Chapter 1503, Acts of the 77th 5 Legislature, Regular Session, 2001, is amended by amending 6 Subsections (a) and (c) and adding Subsections (d) and (e) to read 7 as follows:

(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, 2000 10 11 (the "project"), and other projects described by Section 5A will serve the public purpose of attracting visitors and tourists to 12 Hays County and will result in employment and economic activity in 13 14 the manner contemplated by Section 52-a, Article III, Texas Constitution, and Chapter 383, Local Government Code. 15

16 (c) The legislature further finds that the creation <u>and</u> 17 <u>operation</u> of the district and the acquisition or financing of the 18 project <u>or another project described by Section 5A</u> by the district 19 serve the purpose of Section 59, Article XVI, and Section 52, 20 Article III, Texas Constitution, and that all steps necessary to 21 create the district have been taken.

22 (d) The legislature further finds that the creation and 23 continued operation of the district is essential to accomplish the 24 purposes of Sections 52 and 52-a, Article III, and Section 59,

Article XVI, Texas Constitution, and other public purposes stated
 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. <u>(a)</u> 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<u>, and by Chapters 49</u> 12 and 54, Water Code, to municipal utility districts.

13 (b) The district's rights, powers, privileges, authority, 14 <u>functions, and duties include</u>, [including] but <u>are</u> 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;

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

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

6 (4) to utilize funds, whether the funds are derived 7 from ad valorem taxes, sales and use taxes, hotel occupancy taxes, 8 <u>assessments</u>, 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;

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

(6) to adopt <u>and exercise</u> the <u>rights</u>, powers, <u>and</u>
<u>authority</u> 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;

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(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

H.B. No. 4184

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

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

27 <u>Sec. 5A. DISTRICT PROJECTS. (a) The district may provide</u>,

H.B. No. 4184 1 or it may contract with a governmental or private entity to provide, the following types of projects or activities in support of or 2 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 development district, municipal management district, municipal 9 10 utility district, or water control and improvement district, including a water, wastewater, reclamation, drainage, road, trail, 11 12 or bridge improvement; or (3) a project, other than the project or an 13 14 improvement project described by Subdivision (2), that is approved by the board and that the district is authorized to provide under 15 the powers granted to the district by this Act. 16 17 (b) A project, improvement, facility, or service described by Subsection (a)(2) or (3) is not required to have been considered 18 19 for or included in an order issued by the Hays County Commissioners Court on January 11, 2000. 20 21 Sec. 5B. ROAD STANDARDS AND REQUIREMENTS. (a) A road 22 project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in 23 24 whose corporate limits or extraterritorial jurisdiction the road project is located. 25 26 (b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road 27

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	<u>\$8,200.</u>
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 1 development and operation of the project, to facilitate economic 2 development, and to attract visitors and tourists, which will 3 result in employment and economic activity in Hays County.] 4 The 5 legislature finds that the district may provide water and sewer, landscaping, road, drainage, and reclamation services 6 to residential retail or commercial customers in the district. The 7 8 district is a district described in Section 49.181(h)(4), Water 9 Code.

10 SECTION 6. Section 9, Chapter 1503, Acts of the 77th 11 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.

23 SECTION 7. This Act does not affect an agreement between the 24 district and a municipality in whose corporate limits or 25 extraterritorial jurisdiction the district is located that was 26 entered into before the effective date of this Act. This section 27 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.

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

(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 Act are fulfilled
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

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

H.B. No. 4184