

By: Watson

S.B. No. 2553

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Save Historic Munny District;
providing authority to issue bonds; providing authority to impose
fees.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws
Code, is amended by adding Chapter 3988 to read as follows:

CHAPTER 3988. SAVE HISTORIC MUNY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3988.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "City" means the City of Austin.

(3) "County" means Travis County.

(4) "Director" means a board member.

(5) "District" means the Save Historic Munny District.

Sec. 3988.0102. NATURE OF DISTRICT. The Save Historic Munny
District is a special district created under Section 59, Article
XVI, Texas Constitution.

Sec. 3988.0103. PURPOSE; DECLARATION OF INTENT. (a) The
purpose of the district is to preserve the 141.35 acres of land used
for the historic Lions Municipal Golf Course in Austin as a golf
course, publicly available parkland, or a combination of those
uses.

(1) This chapter does not preclude, and is not

1 intended by any language contained herein to preclude, preservation
2 of the historic Lions Municipal Golf Course in Austin in its current
3 141.35 acre imprint as an 18-hole golf course, practice facilities,
4 and land related to the course.

5 (2) This chapter does not require a person to:

6 (A) sell or otherwise convey real property to the
7 district or the city; or

8 (B) enter into an agreement with the district.

9 (b) The creation of the district is essential to accomplish
10 the purposes of Sections 52 and 52-a, Article III, and Section 59,
11 Article XVI, Texas Constitution, and other public purposes stated
12 in this chapter.

13 (c) By creating the district and in authorizing the county,
14 the city, and other political subdivisions to contract with the
15 district, the legislature has established a program to accomplish
16 the public purposes set out in Section 52-a, Article III, Texas
17 Constitution.

18 (d) This chapter and the creation of the district may not be
19 interpreted to relieve the county or the city from providing the
20 level of services provided as of the effective date of the Act
21 enacting this chapter to the area in the district. The district is
22 created to supplement and not to supplant county or city services
23 provided in the district.

24 Sec. 3988.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

25 (a) All land and other property included in the district will
26 benefit from the improvements and services to be provided by the
27 district under powers conferred by Sections 52 and 52-a, Article

1 III, and Section 59, Article XVI, Texas Constitution, and other
2 powers granted under this chapter.

3 (b) The district is created to serve a public use and
4 benefit.

5 (c) The district will provide infrastructure necessary or
6 desirable for the use of the land preserved in accordance with the
7 purpose of the district.

8 (d) The district will not act as the agent or
9 instrumentality of any private interest even though the district
10 will benefit many private interests as well as the public.

11 Sec. 3988.0105. INITIAL DISTRICT TERRITORY. (a) The
12 district is initially composed of the territory described by
13 Section 2 of the Act enacting this chapter.

14 (b) The boundaries contained in Section 2 of the Act
15 enacting this chapter form a closure. A mistake in the boundaries
16 does not affect the district's:

17 (1) organization, existence, or validity;

18 (2) right to issue any type of bonds for the purposes
19 for which the district is created or to pay the principal of and
20 interest on the bonds;

21 (3) right to impose or collect a fee; or

22 (4) legality or operation.

23 Sec. 3988.0106. APPLICABILITY OF MUNICIPAL MANAGEMENT
24 DISTRICTS LAW. Except as otherwise provided by this chapter,
25 Chapter 375, Local Government Code, applies to the district.

26 Sec. 3988.0107. CONSTRUCTION OF CHAPTER. This chapter
27 shall be liberally construed in conformity with the findings and

1 purposes stated in this chapter.

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 3988.0201. GOVERNING BODY; TERMS. The district is
4 governed by a board of five directors who serve staggered terms of
5 four years.

6 Sec. 3988.0202. APPOINTMENT OF DIRECTORS. The governing
7 body of the city shall appoint directors from a list of names
8 recommended by the preceding board as provided by Section 375.064,
9 Local Government Code.

10 Sec. 3988.0203. APPOINTING COMMITTEE; INITIAL DIRECTORS.

11 (a) An appointing committee shall appoint directors to the initial
12 board. The appointing committee is composed of:

13 (1) the executive director of the Parks and Wildlife
14 Department;

15 (2) the executive director of the Texas Historical
16 Commission;

17 (3) the executive director of the Texas State
18 Preservation Board;

19 (4) the mayor of the city;

20 (5) the Texas director of the Nature Conservancy;

21 (6) the executive director of Preservation Texas; and

22 (7) the executive director of the Texas Golf Hall of
23 Fame.

24 (b) The appointing committee shall appoint the initial
25 board not later than October 1, 2019.

26 (c) Three initial directors serve four-year terms and two
27 initial directors serve two-year terms. The appointing committee

1 shall designate the term of each initial director.

2 SUBCHAPTER C. POWERS AND DUTIES

3 Sec. 3988.0301. GENERAL POWERS AND DUTIES. The district
4 has the powers and duties necessary to accomplish the purpose for
5 which the district is created.

6 Sec. 3988.0302. IMPROVEMENT PROJECTS AND SERVICES.

7 (a) The district, using any money available to the district for
8 the purpose, may provide, design, construct, acquire, improve,
9 relocate, operate, maintain, or finance an improvement project or
10 service authorized under this chapter or Chapter 375, Local
11 Government Code.

12 (b) The district may contract with a governmental or private
13 entity to carry out an action under Subsection (a).

14 (c) The implementation of a district project or service is a
15 governmental function or service for the purposes of Chapter 791,
16 Government Code.

17 (d) The district may enter into a contract with the city to
18 allow the city to provide to the district revenue from fees
19 collected by the city from municipally owned utility customers in
20 the district in exchange for the district providing an improvement
21 project or service that provides a public benefit to the city.

22 Sec. 3988.0303. GIFTS, GRANTS, DONATIONS. The district may
23 accept a gift, grant, or donation from a public or private source
24 for the purposes of carrying out the district purpose under this
25 chapter.

26 Sec. 3988.0304. MEMBERSHIP IN CHARITABLE ORGANIZATIONS.
27 The district may join and pay dues to a charitable or nonprofit

1 organization that performs a service or provides an activity
2 consistent with the furtherance of the district purpose.

3 Sec. 3988.0306. ELECTION TO APPROVE CONTRACT FEE. (a) The
4 district may not enter into a contract with the city for the
5 imposition of a fee, as described by Section 3988.0302(d), unless
6 the imposition of the fee is approved at an election by a majority
7 of the qualified voters of the district voting at an election called
8 for that purpose.

9 (b) The resolution ordering the election and the notice of
10 the election must describe the proposed project for which the fee
11 revenue will be used. The description must include:

12 (1) a complete legal description of the area included
13 in the proposed project;

14 (2) a statement of the nature of the proposed project;

15 (3) a statement of the total amount of fee revenue
16 anticipated to be spent on the proposed project; and

17 (4) the amount of the fee to be imposed.

18 (c) The ballot proposition at the election need not contain
19 a complete legal description of the area included in the proposed
20 project, but the proposition must contain a general description of
21 the area that is sufficient to give notice to the voters of the
22 location of the proposed project. The ballot proposition must also
23 contain the information described by Subsections (b)(2), (3), and
24 (4).

25 (d) If the ballot proposition is approved, the district may
26 not exceed any limitations imposed on the project by the resolution
27 ordering the election with respect to the area, nature, or amount of

1 fee revenue spent on the project. If the district desires to expand
2 the project beyond those limitations, the proposed expansion must
3 be approved at an election in the manner provided for the original
4 project.

5 (e) If a majority of the voters voting at the election do not
6 approve the ballot proposition, the district may not call a
7 subsequent election under this section on the imposition of a fee
8 for the same proposed project before the first anniversary of the
9 date of the most recent election held under this section on the
10 imposition of a fee for the same proposed project.

11 (f) If the board so determines, a ballot proposition may be
12 put forth to an area within, but not including, the entire district
13 boundary.

14 Sec. 3988.0307. OTHER CHARGES. (a) The district may
15 charge rates, fares, charges, rents, or other fees or compensation
16 for the use of the improvements constructed, operated, or
17 maintained by the district only for the purpose of the district.

18 (b) The district may not impose an impact or standby fee.

19 Sec. 3988.0308. NO ASSESSMENTS OR TAXES. The district may
20 not impose an assessment or tax.

21 Sec. 3988.0309. NO EMINENT DOMAIN POWER. The district may
22 not exercise the power of eminent domain.

23 SUBCHAPTER I. DISSOLUTION

24 Sec. 3988.0901. DISSOLUTION. Except as limited by Section
25 375.264, Local Government Code, the board shall dissolve the
26 district on December 31, 2020, or as soon as possible after that
27 date, unless, as of December 31, 2020:

1 (1) a fee has been approved at an election under
2 Section 3988.0306; or

3 (2) the district has entered into an agreement with
4 the owner of the land used for the historic Lions Municipal Golf
5 Course that provides for the purchase of the land or a method of
6 preserving the land as a golf course, publicly available parkland,
7 or a combination of those uses.

8 SECTION 2. The Save Historic Munny District initially
9 includes all territory contained in the following area:

10 In Austin, Texas, the territory enclosed by:

11 (1) West 35th Street between the Colorado River and
12 West 34th Street;

13 (2) West 34th Street between West 35th Street and
14 North Lamar Boulevard;

15 (3) North Lamar Boulevard between West 34th Street and
16 South Lamar Boulevard;

17 (4) South Lamar Boulevard between North Lamar
18 Boulevard and the Colorado River; and

19 (5) the Colorado River between South Lamar Boulevard
20 and West 35th Street.

21 SECTION 3. (a) The legal notice of the intention to
22 introduce this Act, setting forth the general substance of this
23 Act, has been published as provided by law, and the notice and a
24 copy of this Act have been furnished to all persons, agencies,
25 officials, or entities to which they are required to be furnished
26 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
27 Government Code.

1 (b) The governor, one of the required recipients, has
2 submitted the notice and Act to the Texas Commission on
3 Environmental Quality.

4 (c) The Texas Commission on Environmental Quality has filed
5 its recommendations relating to this Act with the governor,
6 lieutenant governor, and speaker of the house of representatives
7 within the required time.

8 (d) All requirements of the constitution and laws of this
9 state and the rules and procedures of the legislature with respect
10 to the notice, introduction, and passage of this Act have been
11 fulfilled and accomplished.

12 SECTION 4. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2019.