

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 public golf course, publicly available parkland, or a combination of those uses.

(b) This chapter does not preclude, and is not intended by

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

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

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

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

9 (d) 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 (e) 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 (f) 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 solicit applications for  
25 initial board member positions from residents of the district and  
26 appoint the initial board not later than October 1, 2019.

27 (c) Three initial directors serve four-year terms and two

1 initial directors serve two-year terms. The initial directors  
2 shall draw lots to determine which directors serve four-year terms  
3 and which serve two-year terms.

4 SUBCHAPTER C. POWERS AND DUTIES

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

8 Sec. 3988.0302. IMPROVEMENT PROJECTS AND SERVICES.

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

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

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

19 (d) The district may enter into a contract with the city to  
20 allow the city to provide to the district revenue from fees  
21 collected by the city from municipally owned utility customers in  
22 the district in exchange for the district providing an improvement  
23 project or service that provides a public benefit to the city. The  
24 district may not enter into a contract described by this subsection  
25 unless the district enters into an agreement before May 31, 2021,  
26 with the owner of the land used for the historic Lions Municipal  
27 Golf Course that provides for the purchase of the land or a method

1 of preserving the land as a public golf course, publicly available  
2 parkland, or a combination of those uses.

3 Sec. 3988.0303. GIFTS, GRANTS, DONATIONS. The district may  
4 accept a gift, grant, or donation from a public or private source  
5 for the purposes of carrying out the district purpose under this  
6 chapter.

7 Sec. 3988.0304. MEMBERSHIP IN CHARITABLE ORGANIZATIONS.  
8 The district may join and pay dues to a charitable or nonprofit  
9 organization that performs a service or provides an activity  
10 consistent with the furtherance of the district purpose.

11 Sec. 3988.0306. ELECTION TO APPROVE CONTRACT FEE. (a) The  
12 district may not enter into a contract with the city for the  
13 imposition of a fee, as described by Section 3988.0302(d), unless  
14 the imposition of the fee is approved at an election by a majority  
15 of the qualified voters of the district voting at an election called  
16 for that purpose.

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

20 (1) a complete legal description of the area included  
21 in the proposed project;

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

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

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

26 (c) The ballot proposition at the election need not contain  
27 a complete legal description of the area included in the proposed

1 project, but the proposition must contain a general description of  
2 the area that is sufficient to give notice to the voters of the  
3 location of the proposed project. The ballot proposition must also  
4 contain the information described by Subsections (b)(2), (3), and  
5 (4).

6 (d) If the ballot proposition is approved, the district may  
7 not exceed any limitations imposed on the project by the resolution  
8 ordering the election with respect to the area, nature, or amount of  
9 fee revenue spent on the project. If the district desires to expand  
10 the project beyond those limitations, the proposed expansion must  
11 be approved at an election in the manner provided for the original  
12 project.

13 (e) If a majority of the voters voting at the election do not  
14 approve the ballot proposition, the district may not call a  
15 subsequent election under this section on the imposition of a fee  
16 for the same proposed project before the first anniversary of the  
17 date of the most recent election held under this section on the  
18 imposition of a fee for the same proposed project.

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

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

24 Sec. 3988.0308. CERTAIN RESIDENTIAL PROPERTY. Section  
25 375.161, Local Government Code, does not apply to the district.

26 Sec. 3988.0309. NO ASSESSMENTS OR TAXES. The district may  
27 not impose an assessment or tax.

1       Sec. 3988.0310. NO EMINENT DOMAIN POWER. The district may  
2 not exercise the power of eminent domain.

3                               SUBCHAPTER I. DISSOLUTION

4       Sec. 3988.0901. DISSOLUTION. Except as limited by Section  
5 375.264, Local Government Code, the board shall dissolve the  
6 district not later than May 31, 2021, unless, as of that date, the  
7 district has entered into an agreement with the owner of the land  
8 used for the historic Lions Municipal Golf Course that provides for  
9 the purchase of the land or a method of preserving the land as a  
10 public golf course, publicly available parkland, or a combination  
11 of those uses.

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

14               In Austin, Texas, the territory enclosed by:

15                       (1) West 35th Street between the Colorado River and  
16 West 34th Street;

17                       (2) West 34th Street between West 35th Street and  
18 North Lamar Boulevard;

19                       (3) North Lamar Boulevard between West 34th Street and  
20 South Lamar Boulevard;

21                       (4) South Lamar Boulevard between North Lamar  
22 Boulevard and the Colorado River; and

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

25               SECTION 3. (a) The legal notice of the intention to  
26 introduce this Act, setting forth the general substance of this  
27 Act, has been published as provided by law, and the notice and a



1 copy of this Act have been furnished to all persons, agencies,  
2 officials, or entities to which they are required to be furnished  
3 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
4 Government Code.

5 (b) The governor, one of the required recipients, has  
6 submitted the notice and Act to the Texas Commission on  
7 Environmental Quality.

8 (c) The Texas Commission on Environmental Quality has filed  
9 its recommendations relating to this Act with the governor,  
10 lieutenant governor, and speaker of the house of representatives  
11 within the required time.

12 (d) All requirements of the constitution and laws of this  
13 state and the rules and procedures of the legislature with respect  
14 to the notice, introduction, and passage of this Act have been  
15 fulfilled and accomplished.

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

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 2553 passed the Senate on May 8, 2019, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 25, 2019, by the following vote: Yeas 30, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 2553 passed the House, with amendment, on May 22, 2019, by the following vote: Yeas 104, Nays 38, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor