87R8815 CXP-F

By:  Cole H.B. No. 3135

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties, authority to issue bonds, and authority to impose a tax of the SH130 Municipal Management District No. 1.

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

SECTION 1.  Section 3971.0101, Special District Local Laws Code, is amended to read as follows:

Sec. 3971.0101.  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) [~~(4)~~]  "District" means the SH130 Municipal Management District No. 1.

SECTION 2.  Sections 3971.0103(b) and (d), Special District Local Laws Code, are amended to read as follows:

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

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

SECTION 3.  Section 3971.0304, Special District Local Laws Code, is amended to read as follows:

Sec. 3971.0304.  LAW ENFORCEMENT SERVICES. To protect the public interest, the district may contract with a qualified party, including the city or the county, to provide law enforcement services in the district for a fee.

SECTION 4.  Subchapter C, Chapter 3971, Special District Local Laws Code, is amended by adding Section 3971.0311 to read as follows:

Sec. 3971.0311.  AUTHORITY TO ESTABLISH DEFINED AREAS OR DESIGNATED PROPERTY. (a) Notwithstanding the acreage requirement under Section 54.801(a), Water Code, the district may define areas or designate certain property of the district as provided by Subchapter J, Chapter 54, Water Code, to pay for improvements, facilities, or services that primarily benefit that area or property and do not generally and directly benefit the district as a whole.

(b)  Section 54.813, Water Code, does not apply to the district.

SECTION 5.  Subchapter D, Chapter 3971, Special District Local Laws Code, is amended by adding Section 3971.0403 to read as follows:

Sec. 3971.0403.  CERTAIN RESIDENTIAL PROPERTY NOT EXEMPT. Section 375.161, Local Government Code, does not apply to the district.

SECTION 6.  Section 3971.0506, Special District Local Laws Code, is amended to read as follows:

Sec. 3971.0506.  BONDS AND OTHER OBLIGATIONS FOR IMPROVEMENT UNDER AGREEMENT. If the improvements financed by an obligation will be conveyed, [~~to or~~] operated and maintained, or otherwise financed [~~by a municipality or retail utility provider~~] pursuant to an agreement between the district and the county, a municipality, or a retail utility provider entered into before the issuance of the obligation, the obligation may be in the form of bonds, notes, or other obligations payable wholly or partly from assessments, issued by public or private sale, in the manner provided by Subchapter A, Chapter 372, Local Government Code.

SECTION 7.  Section 3971.0507, Special District Local Laws Code, is amended to read as follows:

Sec. 3971.0507.  CONSENT OF MUNICIPALITY OR COUNTY REQUIRED. (a) The board may not issue bonds until the governing body of either a [~~each~~] municipality in whose corporate limits or extraterritorial jurisdiction the district is located or the county in which the district is located has consented by ordinance, [~~or~~] resolution, or order to the creation of the district and to the inclusion of land in the district.

(b)  This section applies only to the district's first issuance of bonds payable from ad valorem taxes.

SECTION 8.  Sections 3971.0602(a) and (b), Special District Local Laws Code, are amended to read as follows:

(a)  The district may adopt a sales and use tax if:

(1)  the city or the county consents to the adoption of the tax; and

(2)  the tax is authorized by a majority of the voters of the district voting at an election held for that purpose.

(b)  Subject to city or county consent under Subsection (a), the board by order may call an election to authorize the adoption of the sales and use tax. The election may be held on any uniform election date and in conjunction with any other district election.

SECTION 9.  Section 3971.0702(a), Special District Local Laws Code, is amended to read as follows:

(a)  For the purposes of this subchapter:

(1)  a reference in Chapter 351, Tax Code, to a municipality is a reference to the district and a reference in Chapter 351, Tax Code, to the municipality's officers or governing body is a reference to the board;

(2)  a reference in Chapter 352, Tax Code, to a county is a reference to the district; and

(3) [~~(2)~~]  a reference in Chapter 352, Tax Code, to the commissioners court is a reference to the board.

SECTION 10.  Section 3971.0703(a), Special District Local Laws Code, is amended to read as follows:

(a)  The district may not impose a hotel occupancy tax unless the city or the county consents to the imposition.

SECTION 11.  (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act 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 governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

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

(d)  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 have been fulfilled and accomplished.

SECTION 12.  (a) The following are validated and confirmed in all respects:

(1)  the creation of the SH130 Municipal Management District No. 1; and

(2)  any act or proceeding of the district, including an election, not excepted by this section and taken not more than three years before the effective date of this Act, effective as of the date on which the act or proceeding occurred.

(b)  This section does not apply to:

(1)  an act, proceeding, director, other official, bond, or other obligation the validity of which or of whom is the subject of litigation that is pending on the effective date of this Act; or

(2)  an act or proceeding that, under a statute of this state or the United States, was a misdemeanor or felony at the time the act or proceeding occurred.

SECTION 13.  This Act takes effect immediately if it 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, 2021.