

1-1 By: Cole (Senate Sponsor - Eckhardt) H.B. No. 3135
 1-2 (In the Senate - Received from the House May 10, 2021;
 1-3 May 10, 2021, read first time and referred to Committee on Local
 1-4 Government; May 20, 2021, reported favorably by the following
 1-5 vote: Yeas 6, Nays 0; May 20, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13			X	
1-14	X			
1-15	X			
1-16			X	

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the powers and duties, authority to issue bonds, and
 1-20 authority to impose a tax of the SH130 Municipal Management
 1-21 District No. 1.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 3971.0101, Special District Local Laws
 1-24 Code, is amended to read as follows:

1-25 Sec. 3971.0101. DEFINITIONS. In this chapter:

- 1-26 (1) "Board" means the district's board of directors.
- 1-27 (2) "City" means the City of Austin.
- 1-28 (3) "County" means Travis County.
- 1-29 (4) "Director" means a board member.

1-30 ~~(5) [(-4)]~~ "District" means the SH130 Municipal
 1-31 Management District No. 1.

1-32 SECTION 2. Sections 3971.0103(b) and (d), Special District
 1-33 Local Laws Code, are amended to read as follows:

1-34 (b) By creating the district and in authorizing the city,
 1-35 the county, and other political subdivisions to contract with the
 1-36 district, the legislature has established a program to accomplish
 1-37 the public purposes set out in Section 52-a, Article III, Texas
 1-38 Constitution.

1-39 (d) This chapter and the creation of the district may not be
 1-40 interpreted to relieve the city or the county from providing the
 1-41 level of services provided as of the effective date of the Act
 1-42 enacting this chapter to the area in the district. The district is
 1-43 created to supplement and not to supplant city or county services
 1-44 provided in the district.

1-45 SECTION 3. Section 3971.0304, Special District Local Laws
 1-46 Code, is amended to read as follows:

1-47 Sec. 3971.0304. LAW ENFORCEMENT SERVICES. To protect the
 1-48 public interest, the district may contract with a qualified party,
 1-49 including the city or the county, to provide law enforcement
 1-50 services in the district for a fee.

1-51 SECTION 4. Subchapter C, Chapter 3971, Special District
 1-52 Local Laws Code, is amended by adding Section 3971.0311 to read as
 1-53 follows:

1-54 Sec. 3971.0311. AUTHORITY TO ESTABLISH DEFINED AREAS OR
 1-55 DESIGNATED PROPERTY. (a) Notwithstanding the acreage requirement
 1-56 under Section 54.801(a), Water Code, the district may define areas
 1-57 or designate certain property of the district as provided by
 1-58 Subchapter J, Chapter 54, Water Code, to pay for improvements,
 1-59 facilities, or services that primarily benefit that area or
 1-60 property and do not generally and directly benefit the district as a
 1-61 whole.

2-1 (b) Section 54.813, Water Code, does not apply to the
 2-2 district.
 2-3 SECTION 5. Subchapter D, Chapter 3971, Special District
 2-4 Local Laws Code, is amended by adding Section 3971.0403 to read as
 2-5 follows:
 2-6 Sec. 3971.0403. CERTAIN RESIDENTIAL PROPERTY NOT EXEMPT.
 2-7 Section 375.161, Local Government Code, does not apply to the
 2-8 district.
 2-9 SECTION 6. Section 3971.0506, Special District Local Laws
 2-10 Code, is amended to read as follows:
 2-11 Sec. 3971.0506. BONDS AND OTHER OBLIGATIONS FOR IMPROVEMENT
 2-12 UNDER AGREEMENT. If the improvements financed by an obligation
 2-13 will be conveyed, ~~to or~~ operated and maintained, or otherwise
 2-14 financed [by a municipality or retail utility provider] pursuant to
 2-15 an agreement between the district and the county, a municipality,
 2-16 or a retail utility provider entered into before the issuance of the
 2-17 obligation, the obligation may be in the form of bonds, notes, or
 2-18 other obligations payable wholly or partly from assessments, issued
 2-19 by public or private sale, in the manner provided by Subchapter A,
 2-20 Chapter 372, Local Government Code.
 2-21 SECTION 7. Section 3971.0507, Special District Local Laws
 2-22 Code, is amended to read as follows:
 2-23 Sec. 3971.0507. CONSENT OF MUNICIPALITY OR COUNTY REQUIRED.
 2-24 (a) The board may not issue bonds until the governing body of
 2-25 either a [each] municipality in whose corporate limits or
 2-26 extraterritorial jurisdiction the district is located or the county
 2-27 in which the district is located has consented by ordinance, [or]
 2-28 resolution, or order to the creation of the district and to the
 2-29 inclusion of land in the district.
 2-30 (b) This section applies only to the district's first
 2-31 issuance of bonds payable from ad valorem taxes.
 2-32 SECTION 8. Sections 3971.0602(a) and (b), Special District
 2-33 Local Laws Code, are amended to read as follows:
 2-34 (a) The district may adopt a sales and use tax if:
 2-35 (1) the city or the county consents to the adoption of
 2-36 the tax; and
 2-37 (2) the tax is authorized by a majority of the voters
 2-38 of the district voting at an election held for that purpose.
 2-39 (b) Subject to city or county consent under Subsection (a),
 2-40 the board by order may call an election to authorize the adoption of
 2-41 the sales and use tax. The election may be held on any uniform
 2-42 election date and in conjunction with any other district election.
 2-43 SECTION 9. Section 3971.0702(a), Special District Local
 2-44 Laws Code, is amended to read as follows:
 2-45 (a) For the purposes of this subchapter:
 2-46 (1) a reference in Chapter 351, Tax Code, to a
 2-47 municipality is a reference to the district and a reference in
 2-48 Chapter 351, Tax Code, to the municipality's officers or governing
 2-49 body is a reference to the board;
 2-50 (2) a reference in Chapter 352, Tax Code, to a county
 2-51 is a reference to the district; and
 2-52 (3) ~~(2)~~ a reference in Chapter 352, Tax Code, to the
 2-53 commissioners court is a reference to the board.
 2-54 SECTION 10. Section 3971.0703(a), Special District Local
 2-55 Laws Code, is amended to read as follows:
 2-56 (a) The district may not impose a hotel occupancy tax unless
 2-57 the city or the county consents to the imposition.
 2-58 SECTION 11. (a) The legal notice of the intention to
 2-59 introduce this Act, setting forth the general substance of this
 2-60 Act, has been published as provided by law, and the notice and a
 2-61 copy of this Act have been furnished to all persons, agencies,
 2-62 officials, or entities to which they are required to be furnished
 2-63 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 2-64 Government Code.
 2-65 (b) The governor, one of the required recipients, has
 2-66 submitted the notice and Act to the Texas Commission on
 2-67 Environmental Quality.
 2-68 (c) The Texas Commission on Environmental Quality has filed
 2-69 its recommendations relating to this Act with the governor,

3-1 lieutenant governor, and speaker of the house of representatives
3-2 within the required time.

3-3 (d) All requirements of the constitution and laws of this
3-4 state and the rules and procedures of the legislature with respect
3-5 to the notice, introduction, and passage of this Act have been
3-6 fulfilled and accomplished.

3-7 SECTION 12. (a) The following are validated and confirmed
3-8 in all respects:

3-9 (1) the creation of the SH130 Municipal Management
3-10 District No. 1; and

3-11 (2) any act or proceeding of the district, including
3-12 an election, not excepted by this section and taken not more than
3-13 three years before the effective date of this Act, effective as of
3-14 the date on which the act or proceeding occurred.

3-15 (b) This section does not apply to:

3-16 (1) an act, proceeding, director, other official,
3-17 bond, or other obligation the validity of which or of whom is the
3-18 subject of litigation that is pending on the effective date of this
3-19 Act; or

3-20 (2) an act or proceeding that, under a statute of this
3-21 state or the United States, was a misdemeanor or felony at the time
3-22 the act or proceeding occurred.

3-23 SECTION 13. This Act takes effect immediately if it
3-24 receives a vote of two-thirds of all the members elected to each
3-25 house, as provided by Section 39, Article III, Texas Constitution.
3-26 If this Act does not receive the vote necessary for immediate
3-27 effect, this Act takes effect September 1, 2021.

3-28 * * * * *