

1-1 By: Isaac (Senate Sponsor - Campbell) H.B. No. 4184
 1-2 (In the Senate - Received from the House May 18, 2015;
 1-3 May 18, 2015, read first time and referred to Committee on
 1-4 Intergovernmental Relations; May 22, 2015, reported favorably by
 1-5 the following vote: Yeas 6, Nays 0; May 22, 2015, sent to printer.)

1-6 COMMITTEE VOTE

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

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the Hays County Development District No. 1.
 1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-19 SECTION 1. Section 1, Chapter 1503, Acts of the 77th
 1-20 Legislature, Regular Session, 2001, is amended by amending
 1-21 Subsections (a) and (c) and adding Subsections (d) and (e) to read
 1-22 as follows:
 1-23 (a) The legislature finds that the creation of Hays County
 1-24 Development District No. 1 (the "district"), ~~and~~ the project
 1-25 approved by the Hays County Commissioners Court on January 11, 2000
 1-26 (the "project"), and other projects described by Section 5A will
 1-27 serve the public purpose of attracting visitors and tourists to
 1-28 Hays County and will result in employment and economic activity in
 1-29 the manner contemplated by Section 52-a, Article III, Texas
 1-30 Constitution, and Chapter 383, Local Government Code.
 1-31 (c) The legislature further finds that the creation and
 1-32 operation of the district and the acquisition or financing of the
 1-33 project or another project described by Section 5A by the district
 1-34 serve the purpose of Section 59, Article XVI, and Section 52,
 1-35 Article III, Texas Constitution, and that all steps necessary to
 1-36 create the district have been taken.
 1-37 (d) The legislature further finds that the creation and
 1-38 continued operation of the district is essential to accomplish the
 1-39 purposes of Sections 52 and 52-a, Article III, and Section 59,
 1-40 Article XVI, Texas Constitution, and other public purposes stated
 1-41 in this Act.
 1-42 (e) A legislative finding made under this Act is conclusive
 1-43 and the district is not required to offer proof of the purpose or
 1-44 results before exercising a power granted by this Act.
 1-45 SECTION 2. Section 5, Chapter 1503, Acts of the 77th
 1-46 Legislature, Regular Session, 2001, is amended to read as follows:
 1-47 Sec. 5. POWERS. (a) The district has all of the rights,
 1-48 powers, privileges, authority, functions, and duties provided by
 1-49 Chapters 375 and 383, Local Government Code, to county development
 1-50 districts and municipal management districts, and by Chapters 49
 1-51 and 54, Water Code, to municipal utility districts.
 1-52 (b) The district's rights, powers, privileges, authority,
 1-53 functions, and duties include, ~~including~~ but are not limited to:
 1-54 (1) the authority to levy, assess, and collect ad
 1-55 valorem taxes for the purposes approved at the elections conducted
 1-56 on November 7, 2000, or at an election conducted in the district
 1-57 after that date;
 1-58 (2) the authority, after approval by voters at an
 1-59 election conducted within the boundaries of the district, to levy,
 1-60 assess and collect taxes for maintenance and operating purposes in
 1-61 the manner set forth in Sections 49.107(a)-(e), Water Code, and for

2-1 the repayment of bonds, notes, warrants, lease purchase agreements,
 2-2 certificates of assessment, certificates of participation in lease
 2-3 purchase agreements, and other interest-bearing obligations in the
 2-4 manner set forth in Sections 49.106(a)-(d), Water Code, and for all
 2-5 of the purposes for which the district may expend funds;

2-6 (3) to establish, levy, and collect special
 2-7 assessments in the manner specified in Sections 375.111-375.124,
 2-8 Local Government Code; provided, however, that Sections
 2-9 375.161-375.163, Local Government Code, shall not apply to the
 2-10 assessments imposed by the district;

2-11 (4) to utilize funds, whether the funds are derived
 2-12 from ad valorem taxes, sales and use taxes, hotel occupancy taxes,
 2-13 assessments, revenues from the project, or any other source, for
 2-14 payment of projects or services in the manner authorized by
 2-15 Section 375.181, Local Government Code, [and] Chapter 383, Local
 2-16 Government Code, and Chapter 54, Water Code;

2-17 (5) to enter into obligations, including, but not
 2-18 limited to, lease purchase agreements, certificates of
 2-19 participation in lease purchase agreements, general obligation
 2-20 bonds and notes and revenue bonds and notes, and combination
 2-21 general obligation and revenue bonds and notes and other
 2-22 interest-bearing obligations, in the manner specified in Sections
 2-23 375.201-375.205 [375.201-375.204], Local Government Code. To
 2-24 enter into these obligations, the district shall obtain only those
 2-25 approvals required for the issuance of obligations by Hays County
 2-26 by Chapter 53, Acts of the 70th Legislature, Second Called Session,
 2-27 1987;

2-28 (6) to adopt and exercise the rights, powers, and
 2-29 authority of a road district under Section 52(b)(3), Article III,
 2-30 Texas Constitution, in the manner specified in Sections 53.029(c)
 2-31 and (d), Water Code;

2-32 (7) to levy, assess, and collect ad valorem taxes to
 2-33 make payments on a contract under Sections 49.108(a)-(d), Water
 2-34 Code, after obtaining those approvals specified in Section 1,
 2-35 Chapter 778, Acts of the 74th Legislature, Regular Session, 1995;

2-36 (8) to exercise all of the rights, powers, and
 2-37 authority of a [~~road district, a municipal management district, and~~
 2-38 ~~a~~] water control and improvement district which are not
 2-39 specifically contradicted by Chapter 383, Local Government Code;
 2-40 and

2-41 (9) to exercise all of the rights, powers, and
 2-42 authority granted to the district by this Act, and all of the
 2-43 rights, powers, and authority granted to the district by Chapters
 2-44 383 and 375, Local Government Code, and to a municipal utility
 2-45 district by Chapters 49 and 54, Water Code, which are not contrary
 2-46 to [any provisions of] this Act, to finance, construct, or
 2-47 otherwise acquire the project, [or] any element of the project, or
 2-48 another project described by Section 5A [identified in the
 2-49 Commissioners Court Order Upon Hearing and Granting Petition
 2-50 Requesting the Creation of Hays County Development District No. 1
 2-51 and Appointing Temporary Directors dated January 11, 2000],
 2-52 including, but not limited to, a [~~the~~] hotel, a [~~the~~] golf course,
 2-53 [~~the~~] water, sewer, drainage, and road improvements, [~~the~~]
 2-54 organizational costs, and [~~the~~] costs of issuance of the
 2-55 obligations of the district.

2-56 SECTION 3. Chapter 1503, Acts of the 77th Legislature,
 2-57 Regular Session, 2001, is amended by adding Sections 5A, 5B, and 5C
 2-58 to read as follows:

2-59 Sec. 5A. DISTRICT PROJECTS. (a) The district may provide,
 2-60 or it may contract with a governmental or private entity to provide,
 2-61 the following types of projects or activities in support of or
 2-62 incidental to those projects:

2-63 (1) the project approved by the Hays County
 2-64 Commissioners Court on January 11, 2000, wholly or partly;

2-65 (2) an improvement project that is a public
 2-66 improvement, facility, or service that may be provided by the
 2-67 district under the powers granted to the district of a county
 2-68 development district, municipal management district, municipal
 2-69 utility district, or water control and improvement district,

3-1 including a water, wastewater, reclamation, drainage, road, trail,
 3-2 or bridge improvement; or

3-3 (3) a project, other than the project or an
 3-4 improvement project described by Subdivision (2), that is approved
 3-5 by the board and that the district is authorized to provide under
 3-6 the powers granted to the district by this Act.

3-7 (b) A project, improvement, facility, or service described
 3-8 by Subsection (a)(2) or (3) is not required to have been considered
 3-9 for or included in an order issued by the Hays County Commissioners
 3-10 Court on January 11, 2000.

3-11 Sec. 5B. ROAD STANDARDS AND REQUIREMENTS. (a) A road
 3-12 project must meet all applicable construction standards, zoning and
 3-13 subdivision requirements, and regulations of each municipality in
 3-14 whose corporate limits or extraterritorial jurisdiction the road
 3-15 project is located.

3-16 (b) If a road project is not located in the corporate limits
 3-17 or extraterritorial jurisdiction of a municipality, the road
 3-18 project must meet all applicable construction standards,
 3-19 subdivision requirements, and regulations of each county in which
 3-20 the road project is located.

3-21 (c) If the state will maintain and operate the road, the
 3-22 Texas Transportation Commission must approve the plans and
 3-23 specifications of the road project.

3-24 Sec. 5C. LIMIT ON EMINENT DOMAIN POWER. The district may
 3-25 not exercise the power of eminent domain outside the district and in
 3-26 the corporate limits or extraterritorial jurisdiction of a
 3-27 municipality unless the governing body of the municipality consents
 3-28 by ordinance or resolution.

3-29 SECTION 4. Section 7, Chapter 1503, Acts of the 77th
 3-30 Legislature, Regular Session, 2001, is amended by adding Subsection
 3-31 (f) to read as follows:

3-32 (f) Section 375.070, Local Government Code, does not apply
 3-33 to the district. A director is entitled to receive fees of office
 3-34 and reimbursement for actual expenses as provided by Section
 3-35 49.060, Water Code, except that:

3-36 (1) a director is entitled to receive fees of office of
 3-37 not more than \$200 a day for each day the director actually spends
 3-38 performing the duties of a director; and

3-39 (2) the district may not set the annual limit on the
 3-40 fees of office that a director may receive at an amount greater than
 3-41 \$8,200.

3-42 SECTION 5. Section 8, Chapter 1503, Acts of the 77th
 3-43 Legislature, Regular Session, 2001, is amended to read as follows:

3-44 Sec. 8. LEGISLATIVE FINDINGS. [~~The legislature finds that~~
 3-45 ~~the principal function of the district is to provide for~~
 3-46 ~~development and operation of the project, to facilitate economic~~
 3-47 ~~development, and to attract visitors and tourists, which will~~
 3-48 ~~result in employment and economic activity in Hays County.]~~ The
 3-49 legislature finds that the district may provide water and sewer,
 3-50 landscaping, road, drainage, and reclamation services to
 3-51 residential retail or commercial customers in the district. The
 3-52 district is a district described in Section 49.181(h)(4), Water
 3-53 Code.

3-54 SECTION 6. Section 9, Chapter 1503, Acts of the 77th
 3-55 Legislature, Regular Session, 2001, is amended to read as follows:

3-56 Sec. 9. ADDITION AND EXCLUSION OF LANDS. (a) Except as
 3-57 provided by Subsection (b), in [~~In~~] addition to the authority
 3-58 granted to the district by Section 383.084, Local Government Code,
 3-59 the district may add lands in the manner provided by Section 49.301,
 3-60 Water Code, and may exclude lands in the methods provided by
 3-61 Sections 49.303 through 49.308, Water Code.

3-62 (b) Section 42.0425, Local Government Code, applies to the
 3-63 annexation of land in the extraterritorial jurisdiction or
 3-64 corporate boundaries of a municipality.

3-65 (c) Land added or annexed under this section is not required
 3-66 to be contiguous to the district's territory.

3-67 SECTION 7. This Act does not affect an agreement between the
 3-68 district and a municipality in whose corporate limits or
 3-69 extraterritorial jurisdiction the district is located that was

4-1 entered into before the effective date of this Act. This section
4-2 does not affect the authority of the district and municipality to
4-3 amend such an agreement.

4-4 SECTION 8. (a) The legislature confirms and validates all
4-5 actions of the Hays County Development District No. 1 that were
4-6 taken before the effective date of this Act, including any
4-7 elections conducted by the district, including any election to
4-8 impose maintenance and operation taxes or to adopt the powers of a
4-9 road district.

4-10 (b) The Hays County Development District No. 1 is not
4-11 required to repeat an election described by Subsection (a) of this
4-12 section.

4-13 SECTION 9. (a) The legal notice of the intention to
4-14 introduce this Act, setting forth the general substance of this
4-15 Act, has been published as provided by law, and the notice and a
4-16 copy of this Act have been furnished to all persons, agencies,
4-17 officials, or entities to which they are required to be furnished
4-18 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4-19 Government Code.

4-20 (b) The Texas Commission on Environmental Quality has filed
4-21 its recommendations relating to this Act with the governor, the
4-22 lieutenant governor, and the speaker of the house of
4-23 representatives within the required time.

4-24 (c) All requirements of the constitution and laws of this
4-25 state and the rules and procedures of the legislature with respect
4-26 to the notice, introduction, and passage of this Act are fulfilled
4-27 and accomplished.

4-28 SECTION 10. This Act takes effect immediately if it
4-29 receives a vote of two-thirds of all the members elected to each
4-30 house, as provided by Section 39, Article III, Texas Constitution.
4-31 If this Act does not receive the vote necessary for immediate
4-32 effect, this Act takes effect September 1, 2015.

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