

AN ACT

relating to the creation of Lake View Management and Development District in Henderson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

SECTION 1. CREATION AND NAMING OF DISTRICT; CONTROLLING LAW. (a) The Lake View Management and Development District is created as a special district under Section 59, Article XVI, Texas Constitution.

(b) The board by resolution may change the district's name. The board shall give written notice of the change to the commission.

(c) The district is a unit of government for the purposes of Chapter 101, Civil Practice and Remedies Code, and operations of the district are considered to be essential governmental functions and not proprietary functions for all purposes, including the application of that chapter.

SECTION 2. DEFINITIONS. In this Act:

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

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "District" means the Lake View Management and Development District.

(4) "Improvement project" means a program or project

1 authorized by Section 15 of this Act, inside or outside the  
2 boundaries of the district.

3 SECTION 3. BOUNDARIES. The district includes the land  
4 located in Henderson County that is described and defined by metes  
5 and bounds, as follows, to-wit:

6 BEING a 549.0 acre tract of land situated in the G. Martinez  
7 Survey, Abstract No. 481, Henderson County, Texas, and being  
8 comprised of nine (9) tracts of land as conveyed in six (6) deeds to  
9 Long Cove Ranch Company as follows: (1) Parcel 10C and Parcel 10D  
10 described as Tracts 10 C, 56.41 acres and 10 D, 54.86 acres in  
11 Volume 2158, Page 001, Deed Records, Henderson County, Texas, (2)  
12 Parcel 9 described as 140.0 acres in Volume 2143, Page 363, Deed  
13 Records, Henderson County, Texas, (3) Parcel 8 described as 100.0  
14 acres in Volume 2030, Page 555, Deed Records, Henderson County,  
15 Texas, (4) Parcel 7 described as 40.72 acres in Volume 2030, Page  
16 541, Deed Records, Henderson County, Texas, (5) Parcels 6A, 6B, and  
17 6D described as 11.064 acres, 44.317 acres and 61.686 acres tracts  
18 respectively in Volume 1960, Page 595, Deed Records, Henderson  
19 County, Texas, and (6) portion of Parcel 4, the easterly 40 acres  
20 of the first tract described in Volume 1769, Page 768, Deed Records,  
21 Henderson County, Texas, and being more particularly described as  
22 follows:

23 BEGINNING at the intersection of the north line of Parcel 8  
24 with the deeded 325 foot elevation take line of Cedar Creek Lake;

25 THENCE North 89 degrees 23 minutes 11 seconds East, along the  
26 north line of Parcel 8 , called the north line of Martinez Survey  
27 and the south line of Thomas Caro Survey, a distance of 654.83 feet

1 to the northeast corner of said Parcel 8 and the northwest corner of  
2 Parcel 10C;

3 THENCE North 89 degrees 46 minutes 07 seconds East, along the  
4 north line of Parcel 10C, called the north line of said Martinez  
5 Survey, a distance of 1,203.86 feet to the northeast corner of said  
6 Parcel 10C;

7 THENCE South 00 degrees 47 minutes 49 seconds West, along the  
8 east line of Parcel 10 C, a distance of 2,418.84 feet to the  
9 southeast corner of said Parcel 10C;

10 THENCE South 88 degrees 14 minutes 18 seconds West, along the  
11 south line of Parcel 10 C, a distance of 1,175.96 feet to the  
12 southeast corner of Parcel 8;

13 THENCE South 88 degrees 53 minutes 14 seconds West, along the  
14 south line of Parcel 8, a distance of 1,254.61 feet to a point in the  
15 east line of Parcel 10D;

16 THENCE South 00 degrees 06 minutes 04 seconds East, along the  
17 east line of Parcel 10 C, a distance of 348.17 feet to the southeast  
18 corner of said Parcel 10 C and the northeast corner of Parcel 9;

19 THENCE South 00 degrees 06 minutes 04 seconds East, along the  
20 east line of Parcel 9, a distance of 2,520.78 feet to the southeast  
21 corner of said Parcel 9;

22 THENCE North 89 degrees 49 minutes 16 seconds West, along the  
23 south line of Parcel 9, a distance of 2,689.08 feet to the southwest  
24 corner of said Parcel 9 in the east line of Parcel 6 D;

25 THENCE South 00 degrees 33 minutes 24 seconds West, along the  
26 east line of Parcel 6 D, a distance of 51.64 feet to an angle point  
27 in said east line;

1           THENCE South 00 degrees 25 minutes 27 seconds East,  
2 continuing along the east line of Parcel 6 D, a distance of 1,844.44  
3 feet to the southeast corner of said Parcel 6 D;

4           THENCE South 88 degrees 23 minutes 18 seconds West, along the  
5 south line of Parcel 6 D, a distance of 1,534.22 feet to southwest  
6 corner of said Parcel 6 D and the southeast corner of Parcel 4;

7           THENCE North 00 degrees 02 minutes 41 seconds East, crossing  
8 Parcel 4, a distance of 2,918.36 feet to the deeded 325 foot  
9 elevation take line of Cedar Creek Lake;

10           THENCE generally in a northeasterly direction with it's  
11 meanders along the deeded 325 foot elevation take line of Cedar  
12 Creek Lake to the PLACE OF BEGINNING and containing 549.0 acres of  
13 land more or less.

14           SECTION 4. FINDINGS RELATING TO BOUNDARIES. The boundaries  
15 of the district form a closure. A mistake in the name or spelling of  
16 a party to a deed or to the page or volume where filed in the deed  
17 records of Henderson County, or in the name of a survey or abstract,  
18 does not affect:

19                   (1) the district's organization, existence, or  
20 validity;

21                   (2) the district's right to enter into any type of  
22 contract for the purposes for which the district is created;

23                   (3) the district's right to impose, assess, or collect  
24 taxes, fees, or charges; or

25                   (4) the operation of the board or the district.

26           SECTION 5. LEGISLATIVE DECLARATIONS AND FINDINGS. (a) The  
27 legislature finds that all of the land and other property included

1 in the district will benefit from the improvement projects and  
2 services to be accomplished by the district under powers conferred  
3 by Sections 52 and 52a, Article III, and Section 59, Article XVI,  
4 Texas Constitution, and the other powers granted under this Act,  
5 and the creation of the district is essential to accomplish the  
6 purposes of those provisions and to accomplish the other public  
7 purposes stated in this Act.

8 (b) The legislature further finds that the creation of the  
9 district:

10 (1) is essential to the conservation and beneficial  
11 use of the water, land, soil, and other natural resources in or  
12 adjacent to the district;

13 (2) is essential to further the public purposes of the  
14 economic development and diversification of the state, the  
15 elimination of unemployment and underemployment, and the  
16 stimulation and development of transportation and commerce;

17 (3) will promote the health, safety, and general  
18 welfare of residents, employers, employees, and consumers in the  
19 district and in Henderson County and of the public; and

20 (4) is in the public interest.

21 (c) The district's operations and the district's  
22 improvement projects will enable the district to preserve,  
23 maintain, and enhance the economic health and vitality of the area  
24 in the district as a community, residential, recreational,  
25 business, and commerce center. The district will further promote  
26 the health, safety, welfare, education, convenience, and enjoyment  
27 of the public by improving, landscaping, and developing certain

1 areas in and adjacent to the district and providing public services  
2 and facilities in and adjacent to the district that are necessary  
3 for the restoration, preservation, enhancement, and enjoyment of  
4 scenic beauty.

5 SECTION 6. CONSTRUCTION OF ACT. (a) This Act shall be  
6 liberally construed in conformity with the findings and purposes  
7 stated in this Act.

8 (b) Chapter 311, Government Code, applies to this Act.

9 SECTION 7. GENERAL POWERS AND DUTIES. (a) The district has  
10 all of the powers and duties provided by the following:

11 (1) the general laws relating to conservation and  
12 reclamation districts created under Section 59, Article XVI, Texas  
13 Constitution, including Chapters 49 and 54, Water Code, except that  
14 the district's bonds and other securities are not subject to the  
15 jurisdiction or supervision of the commission under Chapter 49,  
16 Water Code, or other law;

17 (2) the general laws relating to road districts and  
18 road utility districts created under Section 52(b), Article III,  
19 Texas Constitution, including Chapter 441, Transportation Code;

20 (3) Chapter 372, Local Government Code, in the same  
21 manner as a municipality or a county;

22 (4) Chapter 375, Local Government Code; and

23 (5) Section 4B, Development Corporation Act of 1979  
24 (Article 5190.6, Vernon's Texas Civil Statutes).

25 (b) A provision of this Act prevails over a provision of the  
26 general law that is in conflict or inconsistent with this Act.

27 SECTION 8. BOARD OF DIRECTORS; ELIGIBILITY. (a) Except as

1 provided by Subsections (b) and (c) of this section, the district is  
2 governed by a board of five directors who serve staggered terms of  
3 four years.

4 (b) The following directors serve until March 1, 2008:

- 5 (1) Position One: Murray Holland
- 6 (2) Position Two: Scott Griffith
- 7 (3) Position Three: Thomas Corcoran
- 8 (4) Position Four: David Jaderlund
- 9 (5) Position Five: Robert Whitman

10 (c) The board shall hold an election to elect all directors  
11 on the uniform election day in February 2008. Persons elected to  
12 Positions One and Two serve terms expiring March 1, 2010. Persons  
13 elected to Positions Three, Four, and Five serve terms expiring  
14 March 1, 2012.

15 (d) Starting in 2010, the board shall hold an election on  
16 the uniform election day in February of an even-numbered year to  
17 elect directors to fill the positions the terms of which expire on  
18 March 1 of that year.

19 (e) Other than a director listed in Subsection (b) of this  
20 section, to be qualified to serve as a director a person must be at  
21 least 18 years of age and:

- 22 (1) reside in the district;
- 23 (2) own real property in the district;
- 24 (3) own at least 10 percent of the outstanding  
25 interest of a corporation or general or limited partnership that  
26 owns real property in the district; or
- 27 (4) be an agent, employee, officer, or director of a

1 corporation, limited liability company, or partnership that owns  
2 real property in the district.

3 SECTION 9. VACANCY. A vacancy on the board shall be filled  
4 by appointment by the remaining members of the board of a person who  
5 meets the qualifications under Section 8(e) of this Act.

6 SECTION 10. DIRECTOR'S BOND; OATH. (a) As soon as  
7 practicable after a director is elected or appointed, the director  
8 shall execute a bond for \$10,000 payable to the district and  
9 conditioned on the faithful performance of the director's duties.  
10 The bond must be approved by the board.

11 (b) Each director shall take the oath of office prescribed  
12 by the constitution for public office.

13 (c) The bond and oath shall be filed with the district and  
14 the district shall retain the bond and oath in its records.

15 (d) The district shall pay the cost of a bond executed under  
16 Subsection (a) of this section.

17 SECTION 11. OFFICERS. The board shall elect a chair, a vice  
18 chair, and a secretary from its members.

19 SECTION 12. COMPENSATION. A director is not entitled to  
20 compensation for service on the board but is entitled to be  
21 reimbursed for necessary and reasonable expenses incurred in  
22 carrying out the duties and responsibilities of a director.

23 SECTION 13. QUORUM. Three directors are a quorum. A  
24 concurrence of a majority of a quorum of the board shall be required  
25 for any official action of the district.

26 SECTION 14. DISTRICT CONFIRMATION ELECTION. (a) As soon as  
27 practicable after all initial directors have qualified for office,



1 the initial directors shall hold an organizational meeting and call  
2 a confirmation election to be held not later than the second uniform  
3 election date occurring after the date of the organizational  
4 meeting.

5 (b) The confirmation election shall be called and held to  
6 confirm the establishment of the district in the manner provided by  
7 Subchapter D, Chapter 49, Water Code. If a majority of the votes  
8 cast at a confirmation election do not favor the creation of the  
9 district; the board may call succeeding elections on a uniform  
10 election date, but may not call another confirmation election  
11 sooner than six months after the date of the previous election.

12 (c) Before the district is confirmed at an election, the  
13 district may carry on any business as the board may determine except  
14 that the district may not borrow money or impose or assess a tax or  
15 an assessment.

16 SECTION 15. IMPROVEMENT PROJECTS. The district may  
17 provide, or it may enter into contracts with a governmental or  
18 private entity to provide, the following types of improvement  
19 projects or activities in support of or incidental to those  
20 projects:

21 (1) retail or wholesale water treatment, supply, and  
22 distribution facilities and systems to provide potable and  
23 nonpotable water to the residents and businesses of the district,  
24 including wastewater and sewerage collection and treatment  
25 facilities and systems, provided that treated effluent water  
26 resulting from any sewerage treatment facilities operated by or in  
27 the district may be used by the district for irrigation in the

1 district;

2 (2) the provision of septic tank maintenance services  
3 inside or outside the district and of solid waste disposal services  
4 if the board determines the action to be necessary and appropriate  
5 to protect the district;

6 (3) macadamized, graveled, or paved roads, streets,  
7 and turnpikes, inside and outside the district to the extent  
8 authorized by Section 52, Article III, Texas Constitution;

9 (4) the planning, design, construction, improvement,  
10 and maintenance of:

11 (A) landscaping;

12 (B) highway right-of-way or transit corridor  
13 beautification and improvements;

14 (C) lighting, banners, and signs;

15 (D) streets or sidewalks;

16 (E) hiking and cycling paths and trails,  
17 pedestrian walkways, skywalks, crosswalks, or tunnels;

18 (F) parks, lakes, gardens, recreational and  
19 sports facilities, open space, scenic areas, and related exhibits  
20 and preserves;

21 (G) fountains, plazas, and pedestrian malls; and

22 (H) drainage or storm-water detention  
23 improvements;

24 (5) protection and improvement of the quality of storm  
25 water that flows through the district;

26 (6) the planning, design, construction, improvement,  
27 maintenance, and operation of:

1 (A) solid waste, water, sewer, or power  
2 facilities or services, including electrical, gas, steam, and  
3 chilled water facilities; or

4 (B) off-street parking facilities and heliports;

5 (7) the planning and acquisition of:

6 (A) public art and sculpture and related exhibits  
7 and facilities; and

8 (B) educational and cultural exhibits and  
9 facilities;

10 (8) the planning, design, construction, acquisition,  
11 lease, rental, improvement, maintenance, installation, and  
12 management of and provision of furnishings for facilities for:

13 (A) conferences, conventions, or exhibitions;

14 (B) manufacturer, consumer, or trade shows;

15 (C) civic, community, or institutional events;

16 and

17 (D) exhibits, displays, attractions, special  
18 events, and seasonal or cultural celebrations and holidays;

19 (9) the removal, razing, demolition, or clearing of  
20 land or improvements in connection with any improvement project;

21 (10) the acquisition and improvement of land and other  
22 property for the mitigation of the environmental effects of any  
23 improvement project;

24 (11) the acquisition of property or an interest in  
25 property in connection with an authorized improvement project;

26 (12) any special or supplemental services for the  
27 improvement and promotion of the district or the areas adjacent to

1 the district or for the protection of public health and safety  
2 within or adjacent to the district, including advertising,  
3 promotion, tourism, health and sanitation, public safety,  
4 security, fire protection or emergency medical services, business  
5 recruitment, development, elimination of traffic congestion, and  
6 recreational, educational, or cultural improvements, enhancements,  
7 and services; and

8 (13) any similar public improvements, facilities, or  
9 services.

10 SECTION 16. POWERS RELATED GENERALLY TO CONTRACTS AND  
11 FINANCIAL MATTERS. (a) The district may:

12 (1) impose an ad valorem tax in accordance with  
13 Chapter 375, Local Government Code, on all taxable property in the  
14 district;

15 (2) impose an assessment or impact fee in the manner  
16 provided for a municipality or county under Chapter 372, Local  
17 Government Code, on all industrial, commercial, and residential  
18 property in the district;

19 (3) impose, assess, and apply the proceeds from a  
20 limited sales and use tax, and a hotel occupancy tax, as authorized  
21 by this Act;

22 (4) impose rates, fees, and charges for the use of any  
23 improvement project or the consumption of a product resulting from  
24 an improvement project;

25 (5) borrow money for district purposes by issuing or  
26 executing bonds, notes, credit agreements, or other obligations of  
27 any kind found by the board to be necessary or appropriate for

1 district purposes;

2 (6) enter into a contract with any person for the  
3 accomplishment of any district purpose, including a contract for:

4 (A) the payment, repayment, or reimbursement of  
5 costs incurred by that person on behalf of the district, including  
6 all or part of the costs of an improvement project and interest on  
7 the reimbursed cost; or

8 (B) the use, occupancy, lease, rental,  
9 operation, maintenance, or management of all or part of a proposed  
10 or existing improvement project;

11 (7) apply for and contract with any person to receive,  
12 administer, and perform any duty or obligation of the district  
13 under a federal, state, local, or private gift, grant, loan,  
14 conveyance, transfer, bequest, donation, or other financial  
15 assistance arrangement relating to the investigation, planning,  
16 analysis, study, design, acquisition, construction, improvement,  
17 completion, implementation, or operation by the district or others  
18 of a proposed or existing improvement project;

19 (8) establish, revise, repeal, enforce, collect, and  
20 apply the proceeds from user fees or charges for the enjoyment,  
21 sale, rental, or other use of the district's facilities, services,  
22 properties, or improvement projects;

23 (9) provide or secure the payment or repayment of the  
24 costs and expenses of the establishment, administration, and  
25 operation of the district and the district's costs or share of the  
26 costs of an improvement project or district contractual obligation  
27 or indebtedness by or through a lease, installment purchase

1 contract, or other agreement with any person, or the imposition of  
2 taxes, user fees, concessions, rentals, or other revenues or  
3 resources of the district;

4 (10) establish user charges related to the operation  
5 of various public services, including public water supply services,  
6 for the collection and treatment of wastewater, and for the  
7 operation of storm-water facilities, including the regulation of  
8 storm water for the protection of water quality in the district, and  
9 for the provision of septic tank maintenance services inside and  
10 outside the district;

11 (11) undertake separately or jointly with other  
12 persons all or part of the cost of an improvement project, including  
13 an improvement project:

14 (A) for improving, enhancing, and supporting  
15 public safety and security, fire protection and emergency medical  
16 services, and law enforcement in and adjacent to the district; or

17 (B) that confers a general benefit on the entire  
18 district or a special benefit on a definable part of the district;  
19 and

20 (12) enter into tax abatement agreements in accordance  
21 with the general laws of the state authorizing and applicable to tax  
22 abatement agreements by municipalities.

23 (b) A contract the district enters into to carry out a  
24 purpose of this Act may be on any terms and for any period as the  
25 board may determine.

26 (c) A state agency, a municipality, Henderson County, any  
27 other political subdivision, a corporation, an individual, or any

1 other entity may contract with the district to carry out the  
2 purposes of this Act without any further statutory or other  
3 authorization.

4 SECTION 17. RULES. The district may adopt rules:

5 (1) to administer or operate the district;

6 (2) for the use, enjoyment, availability, protection,  
7 security, and maintenance of the district's properties and  
8 facilities; or

9 (3) to provide for public safety and security in the  
10 district.

11 SECTION 18. ADDITION OR REMOVAL OF TERRITORY. The board may  
12 add, delete, or exclude territory in the manner provided by  
13 Subchapter J, Chapter 49, Water Code, as limited by Section 54.016,  
14 Water Code, except that:

15 (1) for purposes of this section, a reference in  
16 Subchapter J, Chapter 49, Water Code, or Section 54.016, Water  
17 Code, to a tax means an ad valorem tax;

18 (2) Section 54.016, Water Code, and Section 42.042,  
19 Local Government Code, do not apply to the district's annexation of  
20 land restricted primarily to commercial or business use;

21 (3) land may not be added or annexed to the district  
22 without the consent of the owners of the land; and

23 (4) land may not be removed or disannexed from the  
24 district at any time during which any bonds or other obligations of  
25 the district that are payable, in whole or in part, from ad valorem  
26 taxes are outstanding.

27 SECTION 19. EMINENT DOMAIN. (a) Within the boundaries of

1 the district, the district may exercise the power of eminent domain  
2 for all public purposes.

3 (b) Outside the boundaries of the district, the district may  
4 exercise the power of eminent domain only for the purpose of  
5 constructing, acquiring, operating, repairing, or maintaining  
6 water supply lines or sanitary sewer lines.

7 (c) The district's power of eminent domain is exercised in  
8 the same manner as required for a county.

9 SECTION 20. NONPROFIT CORPORATION. (a) The district, by  
10 board resolution, may authorize the incorporation of a nonprofit  
11 corporation to assist and act for the district in implementing an  
12 improvement project or providing services authorized by this Act.

13 (b) The board shall appoint the board of directors of a  
14 nonprofit corporation created under this section. The board of  
15 directors of the nonprofit corporation shall serve in the same  
16 manner as, for the same term as, and on the same conditions as a  
17 board of directors of a local government corporation created under  
18 Subchapter D, Chapter 431, Transportation Code.

19 (c) A nonprofit corporation created under this section:

20 (1) has each power of and is considered for purposes of  
21 this Act to be a local government corporation created under  
22 Subchapter D, Chapter 431, Transportation Code; and

23 (2) may implement an improvement project and provide a  
24 service authorized by this Act and approved by the board.

25 SECTION 21. ECONOMIC DEVELOPMENT. The district may create  
26 economic development programs and exercise the economic  
27 development powers and authority that Chapter 380, Local Government



1 Code, provides to a municipality with a population of more than  
2 100,000, and Chapter 1509, Government Code, provides to any  
3 municipality.

4 SECTION 22. TERMS OF EMPLOYMENT; COMPENSATION. The board  
5 may employ and establish the terms of employment and compensation  
6 of an executive director or general manager and any other employees  
7 of the district the board considers necessary.

8 SECTION 23. USE OF ROADWAYS, PARKS, OTHER PUBLIC AREAS OF  
9 THE DISTRICT. (a) The board by rule may regulate the private use of  
10 public roadways, open spaces, parks, sidewalks, and similar public  
11 areas in the district. To the extent the rules of the district  
12 conflict with a rule, order, or regulation of Henderson County or  
13 the Tarrant Regional Water District, the rule, order, or regulation  
14 of the county or Tarrant Regional Water District controls. The  
15 rules may provide for the safe and orderly use of public roadways,  
16 open spaces, parks, sidewalks, and similar public areas or  
17 facilities.

18 (b) The board may require a permit for a parade,  
19 demonstration, celebration, entertainment event, or a similar  
20 nongovernmental activity in or on the public roadways, open spaces,  
21 parks, sidewalks, and similar public areas or facilities. The board  
22 may charge a fee for the permit application and for public safety or  
23 security services in an amount the board considers necessary.

24 (c) The board may require a permit or franchise agreement  
25 with a vendor, concessionaire, exhibitor, or similar private or  
26 commercial person or organization for the limited use of the area or  
27 facilities on terms and on payment of a permit or franchise fee the

1 board may impose.

2 SECTION 24. ZONING BY COUNTY. (a) If requested by the  
3 district to exercise zoning powers, Henderson County may exercise,  
4 solely in the boundaries of the district, the zoning powers granted  
5 to counties in Subchapter E, Chapter 231, Local Government Code,  
6 without holding the election required by Section 231.075.

7 (b) If the county exercises zoning powers, the board shall  
8 exercise and perform the powers, duties, and functions of a lake  
9 planning commission under Section 231.077, Local Government Code.

10 (c) This section does not apply to land or facilities owned  
11 by the Tarrant Regional Water District.

12 SECTION 25. IMPACT FEES AND ASSESSMENTS. (a) The district  
13 may only impose impact fees and assessments in the manner provided  
14 by Chapter 372, Local Government Code, for a municipality, county,  
15 or public improvement district, according to benefits received by  
16 the property, including an impact fee or assessment on residential  
17 property.

18 (b) An impact fee for residential property must be for the  
19 limited purposes of providing capital funding for public water and  
20 wastewater facilities, for drainage and storm-water facilities,  
21 and for streets and alleys.

22 (c) The district may not impose an impact fee or assessment  
23 on the property, equipment, or facilities of a public utility  
24 provider or a cable operator as defined by 47 U.S.C. Section 522, as  
25 amended.

26 SECTION 26. OPERATION AND MAINTENANCE TAX; ELECTION. (a)  
27 The district may impose a tax for operation and maintenance

1 purposes, including for funds for planning, constructing,  
2 acquiring, maintaining, repairing, and operating all necessary  
3 land, plants, works, facilities, improvements, appliances, and  
4 equipment of the district and for paying costs of services,  
5 engineering and legal fees, and organization and administrative  
6 expenses.

7 (b) An operation and maintenance tax may not be imposed  
8 until it is approved by the qualified voters in the district voting  
9 at an election held for that purpose. If a majority of the votes  
10 cast at the election approve the imposition of the tax, the board  
11 may impose the tax and have it assessed and collected in the same  
12 manner as other district taxes.

13 (c) An operation and maintenance tax election may be held at  
14 the same time and in conjunction with any other district election.  
15 The election may be called by a separate election order or as part  
16 of any other election order.

17 (d) The proposition in an operation and maintenance tax  
18 election may be for a specific maximum rate or for an unlimited  
19 rate.

20 (e) If the district has surplus operation or maintenance tax  
21 funds that are not needed for the purposes for which they were  
22 collected, the funds may be used for any authorized purpose.

23 (f) Sections 26.04, 26.05, and 26.07, Tax Code, do not apply  
24 to a tax levied and collected under this section or an ad valorem  
25 tax levied and collected for the payment of the interest on and  
26 principal of bonds issued by the district.

27 SECTION 27. TAX LEVY FOR BONDS AND OTHER OBLIGATIONS. (a)

1 At the time bonds or other obligations payable in whole or in part  
2 from ad valorem taxes are issued:

3 (1) the board shall impose a continuing direct annual  
4 ad valorem tax, without limit as to rate or amount, for each year  
5 while all or part of the bonds are outstanding; and

6 (2) the district shall annually assess and collect an  
7 ad valorem tax on all taxable property in the district in an amount  
8 sufficient to:

9 (A) pay the interest on the bonds or other  
10 obligations as it becomes due;

11 (B) create a sinking fund for the payment of the  
12 principal of the bonds or other obligations when due or the  
13 redemption price at any earlier required redemption date; and

14 (C) pay the expenses of assessing and collecting  
15 the taxes.

16 (b) Bonds or other obligations that are secured by and  
17 payable from ad valorem taxes may not be issued unless the bonds and  
18 the imposition of the taxes are approved by a majority of the voters  
19 in the district voting at an election held for that purpose.

20 (c) The district shall conduct an election required by this  
21 section in the manner provided by Subchapter L, Chapter 375, Local  
22 Government Code.

23 SECTION 28. LIMITED SALES AND USE TAX. (a) Words and  
24 phrases used in this section that are defined by Chapters 151 and  
25 321, Tax Code, have the meanings assigned by Chapters 151 and 321,  
26 Tax Code.

27 (b) Except as otherwise provided in this section, Subtitles

1 A and B, Title 2, Tax Code, and Chapter 151, Tax Code, apply to the  
2 taxes and to the administration and enforcement of the taxes  
3 imposed by the district in the same manner that those laws apply to  
4 state taxes.

5 (c) The district may adopt, reduce, or repeal the limited  
6 sales and use tax authorized by this section at an election in which  
7 a majority of the voters of the district voting in the election  
8 approve the adoption or the abolition of the tax, as applicable.

9 (d) The provisions of Subchapters C, D, E, and F, Chapter  
10 323, Tax Code, relating to county sales and use taxes shall apply to  
11 the application, collection, and administration of a sales and use  
12 tax imposed under this section to the extent consistent with this  
13 Act, as if references in Chapter 323, Tax Code, to a county referred  
14 to the district and references to a commissioners court referred to  
15 the board. Sections 323.401-323.404 and 323.505, Tax Code, do not  
16 apply to a tax imposed under this section.

17 (e) A tax imposed under this section or the repeal or  
18 reduction of a tax under this section takes effect on the first day  
19 of the calendar quarter occurring after the date on which the  
20 comptroller receives the copy of the resolution as required by  
21 Section 323.405(b), Tax Code.

22 (f) On adoption of the tax authorized by this section, there  
23 is imposed a tax of two percent, or the maximum rate at which the  
24 combined tax rate of all local sales and use taxes in any location  
25 in the district does not exceed two percent, on the receipts from  
26 the sale at retail of taxable items within the district, and an  
27 excise tax on the use, storage, or other consumption within the

1 district of taxable items purchased, leased, or rented from a  
2 retailer within the district during the period that the tax is in  
3 effect. The rate of the excise tax is the same as the rate of the  
4 sales tax portion of the tax and is applied to the sales price of the  
5 taxable item.

6 (g) An election to authorize, reduce, or repeal a limited  
7 sales and use tax may be called by order of the board and must be  
8 held on the next available uniform election date that occurs 45 or  
9 more days after the date on which the order calling the election was  
10 passed. The district shall provide notice of the election and shall  
11 hold and conduct the election in the manner prescribed by Chapter  
12 54, Water Code, for bond elections for municipal utility districts.  
13 The ballots shall be printed to provide for voting for or against  
14 the appropriate one of the following propositions:

15 (1) "Adoption of a \_\_\_ percent district sales and use  
16 tax within the district";

17 (2) "Reduction of the district sales and use tax  
18 within the district from \_\_\_ percent to \_\_\_ percent"; or

19 (3) "Abolition of the district sales and use tax  
20 within the district."

21 (h) If all or part of the territory of the district is  
22 annexed by a municipality that has adopted and is imposing a sales  
23 and use tax, the sales and use tax imposed by the district in the  
24 annexed territory shall be reduced, if required, in even multiples  
25 of one-eighth percent, and without the necessity for an election,  
26 so that the combined rate of all sales and use taxes imposed by  
27 Henderson County, the annexing municipality, and all other

1 political subdivisions within the annexed territory of the district  
2 will not exceed two percent.

3 (i) If the sales and use tax of Henderson County, an  
4 annexing municipality, or another political subdivision is  
5 required to be reduced under Subsection (h) of this section, the  
6 county, municipality, or other political subdivision is subject to  
7 Sections 321.102(e), (f), and (g), Tax Code.

8 (j) A tax imposed under this section or the reduction or  
9 repeal of a tax under this section takes effect on the first day of  
10 the calendar quarter occurring after the date on which the  
11 comptroller receives the notice required by Section 323.405(b), Tax  
12 Code.

13 (k) Not later than the 10th day after the date of the  
14 annexation or exclusion of territory by the district or the  
15 annexation of all or part of the territory of the district by a  
16 municipality requiring a reduction of the district's sales and use  
17 tax as provided by Subsection (h) of this section, the board shall  
18 send to the comptroller, by certified or registered mail, certified  
19 copies of all resolutions, orders, or ordinances pertaining to the  
20 annexation or exclusion of the territory by a district or  
21 municipality.

22 (l) The district may examine and receive information  
23 related to the imposition, assessment, and collection of sales and  
24 use taxes to the same extent as if the district were a municipality.

25 SECTION 29. HOTEL OCCUPANCY TAX. (a) In this section,  
26 "hotel" has the meaning assigned by Section 156.001, Tax Code.

27 (b) The board by order may impose, repeal, or increase or

1 decrease the rate of a tax on a person who, under a lease,  
2 concession, permit, right of access, license, contract, or  
3 agreement, pays for the use or possession or for the right to use or  
4 possess a room that is in a hotel located in the boundaries of the  
5 district, costs \$2 or more each day, and is ordinarily used for  
6 sleeping. The amount of the tax may not exceed seven percent of the  
7 price paid for a room in a hotel.

8 (c) Except as inconsistent with this section, Subchapter A,  
9 Chapter 352, Tax Code, governs a hotel occupancy tax authorized  
10 under this section, including the collection of the tax, subject to  
11 the limitations prescribed by Sections 352.002(b) and (c), Tax  
12 Code.

13 (d) The district may examine and receive information  
14 related to the imposition, assessment, and collection of hotel  
15 occupancy taxes to the same extent as if the district were a  
16 municipality.

17 (e) For purposes of this section, a reference in Subchapter  
18 A, Chapter 352, Tax Code, to a county is a reference to the district  
19 and a reference in Subchapter A, Chapter 352, Tax Code, to the  
20 county's officers or governing body is a reference to the board.

21 SECTION 30. USE OF HOTEL OCCUPANCY TAX. (a) The district  
22 shall apply the proceeds from a hotel occupancy tax imposed under  
23 this Act for any of the district's purposes and for the purposes  
24 described by Section 352.1015, Tax Code, to the extent considered  
25 appropriate by the board.

26 (b) During each interval of three calendar years following  
27 the date on which a hotel occupancy tax imposed under this section



1 is initially collected, the board may not apply an annual average of  
2 more than 10 percent of the amount of tax collected under Section 29  
3 of this Act, excluding any interest earnings or investment profits  
4 and after a deduction for the costs of imposing and collecting the  
5 taxes, for the administrative expenses of the district or a  
6 district purpose other than:

7 (1) the costs of advertising and promoting tourism; or

8 (2) the costs of business development and commerce,  
9 including the costs of planning, designing, constructing,  
10 acquiring, leasing, financing, owning, operating, maintaining,  
11 managing, improving, repairing, rehabilitating, or reconstructing  
12 improvement projects for conferences, conventions, and  
13 exhibitions, manufacturer, consumer, or trade shows, and civic,  
14 community, or institutional events.

15 (c) For purposes of this section, a reference in Subchapter  
16 B, Chapter 352, Tax Code, to a county is a reference to the district  
17 and a reference in Subchapter B, Chapter 352, Tax Code, to the  
18 county's officers or governing body is a reference to the board.

19 SECTION 31. BONDS AND OTHER OBLIGATIONS. (a) The district  
20 may issue bonds in the manner provided by Subchapter J, Chapter 375,  
21 Local Government Code, except that Sections 375.207 and 375.208 do  
22 not apply to bonds issued under this Act.

23 (b) In addition to the sources of money described by  
24 Subchapter J, Chapter 375, Local Government Code, the bonds of the  
25 district may be secured and made payable, wholly or partly, by a  
26 pledge of any part of the net proceeds the district receives from  
27 the sales and use tax and the hotel occupancy tax authorized by

1 this Act and from any other district revenues.

2 SECTION 32. DISSOLUTION. (a) Except as provided by  
3 Subsection (b) and the terms of a joint development and operating  
4 agreement, the board:

5 (1) may dissolve the district by majority vote; and

6 (2) shall dissolve the district on receipt of a  
7 written petition requesting dissolution signed by the owners of 75  
8 percent of the acreage of real property in the district.

9 (b) The board may not dissolve the district until the  
10 district's outstanding indebtedness or contractual obligations  
11 have been repaid or discharged.

12 (c) After the board dissolves the district, the board shall  
13 transfer ownership of all property and assets of the district to  
14 Henderson County.

15 SECTION 33. ADDITIONAL LEGISLATIVE FINDINGS. The  
16 legislature finds that:

17 (1) proper and legal notice of the intention to  
18 introduce this Act, setting forth the general substance of this  
19 Act, has been published as provided by law, and the notice and a  
20 copy of this Act have been furnished to all persons, agencies,  
21 officials, or entities to which they are required to be furnished by  
22 the constitution and laws of this state, including the governor,  
23 who has submitted the notice and Act to the commission;

24 (2) the commission has filed its recommendations  
25 relating to this Act with the governor, lieutenant governor, and  
26 speaker of the house of representatives within the required time;

27 (3) the general law relating to consent by political

1 subdivisions to the creation of districts with conservation,  
2 reclamation, and road powers and the inclusion of land in those  
3 districts has been complied with; and

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

8 SECTION 34. EFFECTIVE DATE. This Act takes effect February  
9 15, 2004.

David Newkirk

President of the Senate

Jim Caldwell


Speaker of the House

I certify that H.B. No. 2533 was passed by the House on April 25, 2003, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 2533 on May 30, 2003, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2533 on June 1, 2003, by a non-record vote.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 2533 was passed by the Senate, with amendments, on May 23, 2003, by a viva-voce vote; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2533 on June 1, 2003, by a viva-voce vote.

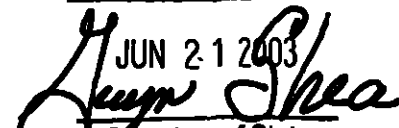
  
Secretary of the Senate

APPROVED: 21 Jun 03

Date

  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
3:30 P.M. O'CLOCK

JUN 21 2003  
  
Secretary of State