

Chapter 886

H.B. No. 4184

1 AN ACT

2 relating to the Hays County Development District No. 1.

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

4 SECTION 1. Section 1, Chapter 1503, Acts of the 77th
5 Legislature, Regular Session, 2001, is amended by amending
6 Subsections (a) and (c) and adding Subsections (d) and (e) to read
7 as follows:

8 (a) The legislature finds that the creation of Hays County
9 Development District No. 1 (the "district"), ~~and~~ the project
10 approved by the Hays County Commissioners Court on January 11, 2000
11 (the "project"), and other projects described by Section 5A will
12 serve the public purpose of attracting visitors and tourists to
13 Hays County and will result in employment and economic activity in
14 the manner contemplated by Section 52-a, Article III, Texas
15 Constitution, and Chapter 383, Local Government Code.

16 (c) The legislature further finds that the creation and
17 operation of the district and the acquisition or financing of the
18 project or another project described by Section 5A by the district
19 serve the purpose of Section 59, Article XVI, and Section 52,
20 Article III, Texas Constitution, and that all steps necessary to
21 create the district have been taken.

22 (d) The legislature further finds that the creation and
23 continued operation of the district is essential to accomplish the
24 purposes of Sections 52 and 52-a, Article III, and Section 59,

1 Article XVI, Texas Constitution, and other public purposes stated
2 in this Act.

3 (e) A legislative finding made under this Act is conclusive
4 and the district is not required to offer proof of the purpose or
5 results before exercising a power granted by this Act.

6 SECTION 2. Section 5, Chapter 1503, Acts of the 77th
7 Legislature, Regular Session, 2001, is amended to read as follows:

8 Sec. 5. POWERS. (a) The district has all of the rights,
9 powers, privileges, authority, functions, and duties provided by
10 Chapters 375 and 383, Local Government Code, to county development
11 districts and municipal management districts, and by Chapters 49
12 and 54, Water Code, to municipal utility districts.

13 (b) The district's rights, powers, privileges, authority,
14 functions, and duties include, [including] but are not limited to:

15 (1) the authority to levy, assess, and collect ad
16 valorem taxes for the purposes approved at the elections conducted
17 on November 7, 2000, or at an election conducted in the district
18 after that date;

19 (2) the authority, after approval by voters at an
20 election conducted within the boundaries of the district, to levy,
21 assess and collect taxes for maintenance and operating purposes in
22 the manner set forth in Sections 49.107(a)-(e), Water Code, and for
23 the repayment of bonds, notes, warrants, lease purchase agreements,
24 certificates of assessment, certificates of participation in lease
25 purchase agreements, and other interest-bearing obligations in the
26 manner set forth in Sections 49.106(a)-(d), Water Code, and for all
27 of the purposes for which the district may expend funds;

1 (3) to establish, levy, and collect special
2 assessments in the manner specified in Sections 375.111-375.124,
3 Local Government Code; provided, however, that Sections
4 375.161-375.163, Local Government Code, shall not apply to the
5 assessments imposed by the district;

6 (4) to utilize funds, whether the funds are derived
7 from ad valorem taxes, sales and use taxes, hotel occupancy taxes,
8 assessments, revenues from the project, or any other source, for
9 payment of projects or services in the manner authorized by
10 Section 375.181, Local Government Code, [~~and~~] Chapter 383, Local
11 Government Code, and Chapter 54, Water Code;

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

23 (6) to adopt and exercise the rights, powers, and
24 authority of a road district under Section 52(b)(3), Article III,
25 Texas Constitution, in the manner specified in Sections 53.029(c)
26 and (d), Water Code;

27 (7) to levy, assess, and collect ad valorem taxes to

1 make payments on a contract under Sections 49.108(a)-(d), Water
2 Code, after obtaining those approvals specified in Section 1,
3 Chapter 778, Acts of the 74th Legislature, Regular Session, 1995;

4 (8) to exercise all of the rights, powers, and
5 authority of a [~~road district, a municipal management district, and~~
6 a] water control and improvement district which are not
7 specifically contradicted by Chapter 383, Local Government Code;
8 and

9 (9) to exercise all of the rights, powers, and
10 authority granted to the district by this Act, and all of the
11 rights, powers, and authority granted to the district by Chapters
12 383 and 375, Local Government Code, and to a municipal utility
13 district by Chapters 49 and 54, Water Code, which are not contrary
14 to [~~any provisions of~~] this Act, to finance, construct, or
15 otherwise acquire the project, [or] any element of the project, or
16 another project described by Section 5A [~~identified in the~~
17 ~~Commissioners Court Order Upon Hearing and Granting Petition~~
18 ~~Requesting the Creation of Hays County Development District No. 1~~
19 ~~and Appointing Temporary Directors dated January 11, 2000~~],
20 including, but not limited to, a [~~the~~] hotel, a [~~the~~] golf course,
21 [~~the~~] water, sewer, drainage, and road improvements, [~~the~~]
22 organizational costs, and [~~the~~] costs of issuance of the
23 obligations of the district.

24 SECTION 3. Chapter 1503, Acts of the 77th Legislature,
25 Regular Session, 2001, is amended by adding Sections 5A, 5B, and 5C
26 to read as follows:

27 Sec. 5A. DISTRICT PROJECTS. (a) The district may provide,

1 or it may contract with a governmental or private entity to provide,
2 the following types of projects or activities in support of or
3 incidental to those projects:

4 (1) the project approved by the Hays County
5 Commissioners Court on January 11, 2000, wholly or partly;

6 (2) an improvement project that is a public
7 improvement, facility, or service that may be provided by the
8 district under the powers granted to the district of a county
9 development district, municipal management district, municipal
10 utility district, or water control and improvement district,
11 including a water, wastewater, reclamation, drainage, road, trail,
12 or bridge improvement; or

13 (3) a project, other than the project or an
14 improvement project described by Subdivision (2), that is approved
15 by the board and that the district is authorized to provide under
16 the powers granted to the district by this Act.

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

21 Sec. 5B. ROAD STANDARDS AND REQUIREMENTS. (a) A road
22 project must meet all applicable construction standards, zoning and
23 subdivision requirements, and regulations of each municipality in
24 whose corporate limits or extraterritorial jurisdiction the road
25 project is located.

26 (b) If a road project is not located in the corporate limits
27 or extraterritorial jurisdiction of a municipality, the road

1 project must meet all applicable construction standards,
2 subdivision requirements, and regulations of each county in which
3 the road project is located.

4 (c) If the state will maintain and operate the road, the
5 Texas Transportation Commission must approve the plans and
6 specifications of the road project.

7 Sec. 5C. LIMIT ON EMINENT DOMAIN POWER. The district may
8 not exercise the power of eminent domain outside the district and in
9 the corporate limits or extraterritorial jurisdiction of a
10 municipality unless the governing body of the municipality consents
11 by ordinance or resolution.

12 SECTION 4. Section 7, Chapter 1503, Acts of the 77th
13 Legislature, Regular Session, 2001, is amended by adding Subsection
14 (f) to read as follows:

15 (f) Section 375.070, Local Government Code, does not apply
16 to the district. A director is entitled to receive fees of office
17 and reimbursement for actual expenses as provided by Section
18 49.060, Water Code, except that:

19 (1) a director is entitled to receive fees of office of
20 not more than \$200 a day for each day the director actually spends
21 performing the duties of a director; and

22 (2) the district may not set the annual limit on the
23 fees of office that a director may receive at an amount greater than
24 \$8,200.

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

27 Sec. 8. LEGISLATIVE FINDINGS. [~~The legislature finds that~~

1 ~~the principal function of the district is to provide for~~
2 ~~development and operation of the project, to facilitate economic~~
3 ~~development, and to attract visitors and tourists, which will~~
4 ~~result in employment and economic activity in Hays County.]~~ The
5 legislature finds that the district may provide water and sewer,
6 landscaping, road, drainage, and reclamation services to
7 residential retail or commercial customers in the district. The
8 district is a district described in Section 49.181(h)(4), Water
9 Code.

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

12 Sec. 9. ADDITION AND EXCLUSION OF LANDS. (a) Except as
13 provided by Subsection (b), in [In] addition to the authority
14 granted to the district by Section 383.084, Local Government Code,
15 the district may add lands in the manner provided by Section 49.301,
16 Water Code, and may exclude lands in the methods provided by
17 Sections 49.303 through 49.308, Water Code.

18 (b) Section 42.0425, Local Government Code, applies to the
19 annexation of land in the extraterritorial jurisdiction or
20 corporate boundaries of a municipality.

21 (c) Land added or annexed under this section is not required
22 to be contiguous to the district's territory.

23 SECTION 7. This Act does not affect an agreement between the
24 district and a municipality in whose corporate limits or
25 extraterritorial jurisdiction the district is located that was
26 entered into before the effective date of this Act. This section
27 does not affect the authority of the district and municipality to

1 amend such an agreement.

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

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

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

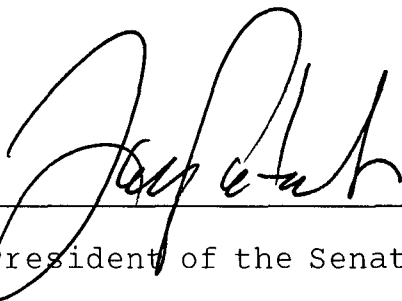
18 (b) The Texas Commission on Environmental Quality has filed
19 its recommendations relating to this Act with the governor, the
20 lieutenant governor, and the speaker of the house of
21 representatives within the required time.

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

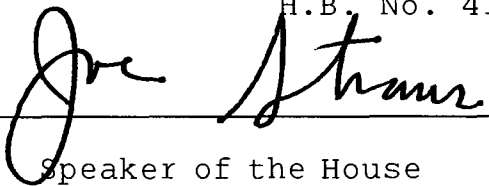
26 SECTION 10. This Act takes effect immediately if it
27 receives a vote of two-thirds of all the members elected to each

H.B. No. 4184

1 house, as provided by Section 39, Article III, Texas Constitution.
2 If this Act does not receive the vote necessary for immediate
3 effect, this Act takes effect September 1, 2015.

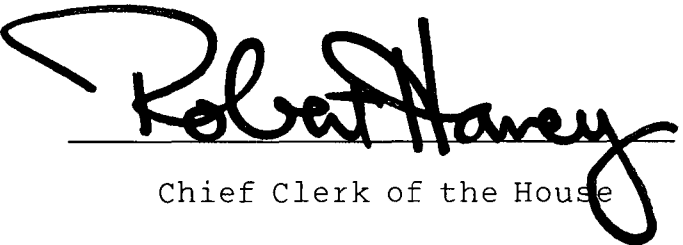


President of the Senate

H.B. No. 4184


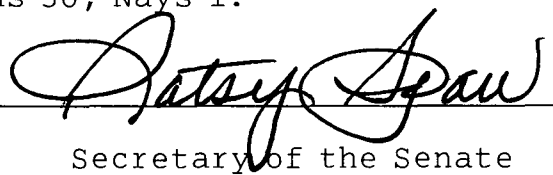
Speaker of the House

I certify that H.B. No. 4184 was passed by the House on May 15, 2015, by the following vote: Yeas 139, Nays 0, 2 present, not voting.



Chief Clerk of the House

I certify that H.B. No. 4184 was passed by the Senate on May 27, 2015, by the following vote: Yeas 30, Nays 1.



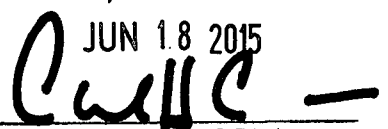
Secretary of the Senate

APPROVED: _____

Date

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
8:00 *pm* O'CLOCK

JUN 18 2015


Secretary of State

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 20, 2015

TO: Honorable Eddie Lucio Jr., Chair, Senate Committee on Intergovernmental Relations

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB4184 by Isaac (Relating to the Hays County Development District No. 1.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: UP, KVe, EK

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 24, 2015

TO: Honorable Doug Miller, Chair, House Committee on Special Purpose Districts

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB4184 by Isaac (Relating to the Hays County Development District No. 1.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: UP, KVe, EK

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 22, 2015

The Honorable Joe Straus
Texas House of Representatives
Capitol Station
PO Box 2910
Austin, Texas 78768-2910

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution

House Bill (HB) 4184, as Filed by Representative Jason Isaac - Relating to the Hays County Development District No. 1

Dear Speaker Straus:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

The bill amends previous legislation related to Hays County Development District No. 1 (the "District") as detailed below.

The creation and continued operation of the District is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes as provided by the bill.

Specifies that in addition to the powers provided to the District previously, the District has all of the rights, powers, privileges, authority, functions, and duties provided by Chapters 49 and 54, Water Code, to municipal utility districts (MUD). This addition of MUD powers also includes references to road projects of the District.

The Honorable Joe Straus
Page 2
April 22, 2015

The District may provide, or it may contract with a governmental or private entity to provide, the following types of projects or activities in support of or incidental to those projects: (1) the project approved by the Hays County Commissioners Court on January 11, 2000, wholly or partly; (2) an improvement project that is a public improvement, facility, or service that may be provided by the District under the powers granted to the district of a county development district, municipal management district, MUD, or water control and improvement district, including a water, wastewater, reclamation, drainage, road, trail, or bridge improvement; or (3) a project, other than the project or an improvement project described by Subdivision (2), that is approved by the board and that the District is authorized to provide under the powers granted to the District by the bill.

The District may not exercise the power of eminent domain outside the District and in the corporate limits or extraterritorial jurisdiction of a municipality unless the governing body of the municipality consents by ordinance or resolution.

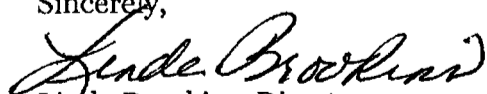
A director is entitled to receive fees of office and reimbursement for actual expenses as provided by Section 49.060 (relating to fees of office of a district), Water Code, except that: (1) a director is entitled to receive fees of office of not more than \$200 a day (\$150 a day in Section 49.060) for each day the director actually spends performing the duties of a director; and (2) the District may not set the annual limit on the fees of office that a director may receive at an amount greater than \$8,200 (\$7,200 limit in Section 49.060).

Section 42.0425 (relating to annexation of land within an extraterritorial jurisdiction of certain political subdivisions), Local Government Code, applies to the annexation of land in the extraterritorial jurisdiction or corporate boundaries of a municipality. Additionally, land added or annexed under this section is not required to be contiguous to the District's territory.

The bill does not affect an agreement between the District and a municipality in whose corporate limits or extraterritorial jurisdiction the District is located that was entered into before the effective date of the bill, and the bill does not affect the authority of the District and municipality to amend such an agreement.

The legislature confirms and validates all actions of the District that were taken before the effective date of the bill, including any elections conducted by the District, including any election to impose maintenance and operation taxes or to adopt the powers of a road District. Additionally, the District is not required to repeat any of the aforementioned elections.

Sincerely,


Linda Brookins, Director
Water Supply Division

cc: Honorable Doug Miller, Chairman, House Committee on Special Purpose Districts
Representative Jason Isaac, Texas House of Representatives

LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

HB 4184

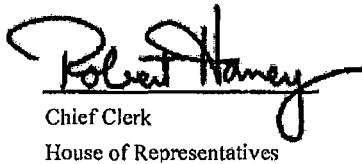
Bill Number

TO: The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

4/9/2015

Date transmitted to
Governor's Office


Chief Clerk
House of Representatives

TO: Texas Commission on Environmental Quality
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to conservation and reclamation district and a copy of the notice of intention to introduce the bill.


April 9, 2015

Date transmitted to
Texas Commission on Environmental Quality


Governor

TO: The Honorable Speaker of the House
The Honorable President of the Senate
The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.


Texas Commission on Environmental Quality



84R HB 04184