

BILL ANALYSIS

H.B. 4184
By: Isaac
Special Purpose Districts
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties assert that continuing development and growth in Central Texas, including Hays County, has created the need for large-scale, permanent improvements such as water supply and distribution facilities, wastewater collection and treatment facilities, drainage and flood control projects, and major thoroughfare improvements. H.B. 4184 seeks to help provide for these improvements.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 4184 amends Chapter 1503, Acts of the 77th Legislature, Regular Session, 2001, to expand the rights, powers, privileges, authority, functions, and duties of the Hays County Development District No. 1 to include the rights, powers, privileges, authority, functions, and duties provided to municipal utility districts. The bill revises provisions specifying what the district's rights, powers, privileges, authority, functions, and duties include but are not limited to, revises legislative findings regarding the district, and establishes that a legislative finding regarding the district is conclusive and that the district is not required to offer proof of the purpose or results before exercising a power granted by the district's enabling legislation. The bill authorizes the district to provide or to contract with a governmental or private entity to provide specified types of projects or activities in support of or incidental to such projects and specifies such projects as the project approved by the Hays County Commissioners Court on January 11, 2000, wholly or partly; 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, municipal utility district, or water control and improvement district; or other projects that are approved by the district's board of directors and that the district is authorized to provide under the powers granted to the district. The bill establishes that a district project, improvement, facility, or service is not required to have been considered for or included in an order issued by the Hays County Commissioners Court on January 11, 2000.

H.B. 4184 sets out road standards and requirements for the district and requires the consent by ordinance or resolution of the governing body of a municipality for the district to exercise the power of eminent domain outside the district and in the corporate limits or extraterritorial jurisdiction of the municipality. The bill exempts the district from a municipal management district provision regarding the compensation and reimbursement of directors and entitles a

district director to receive fees of office and reimbursement for actual expenses as provided by provisions applicable to certain water districts but caps the fees of office a director is entitled to receive at \$200 a day for each day the director actually spends performing the duties of a director and caps the annual limit set by the district on the fees of office that a director may receive at \$8,200. The bill makes provisions regarding the addition of land in the extraterritorial jurisdiction of a municipality to certain political subdivisions applicable to the annexation of land in the extraterritorial jurisdiction or corporate boundaries of a municipality by the district and establishes that land added or annexed by the district is not required to be contiguous to the district's territory.

H.B. 4184 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 bill's effective date and establishes that this provision does not affect the authority of the district and municipality to amend such an agreement. The bill provides for the confirmation and validation of all district actions taken before the bill's effective date, 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, and establishes that the district is not required to repeat any of these elections.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.