

By: Coleman

H.B. No. 3484

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of special purpose districts and related matters.

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

SECTION 1. DEFINITIONS. In this Act:

(1) "Special purpose district" includes any special district created by general or special law as a political subdivision of this state, including:

(A) a conservation and reclamation district created under Section 59, Article XVI, Texas Constitution;

(B) a road utility district or a district created to manage water created under Section 52, Article III, Texas Constitution;

(C) a hospital district created under Sections 4 through 11, Article IX, Texas Constitution;

(D) an airport authority created under Section 12, Article IX, Texas Constitution; and

(E) a municipal development district created under Chapter 377, Local Government Code.

(2) "Internal district" includes any defined area as designated by this state or a political subdivision of this state for special treatment by this state or the political subdivision or to accomplish a purpose of this state or the political subdivision inside that defined area, including:

1 (A) a reinvestment zone for tax increment
2 financing or tax abatement as authorized under Chapter 311 or 312,
3 Tax Code, or other law;

4 (B) an enterprise zone authorized under Chapter
5 2303, Government Code;

6 (C) a defense economic readjustment zone
7 authorized under Chapter 2310, Government Code;

8 (D) an improvement district authorized under
9 Chapter 372, Local Government Code;

10 (E) an area designated for a community
11 development program under Chapter 373, Local Government Code;

12 (F) a homestead preservation district designated
13 or a homestead preservation reinvestment zone created under Chapter
14 373A, Local Government Code;

15 (G) an area designated as a blighted area under
16 Chapter 374, Local Government Code;

17 (H) a neighborhood empowerment zone created
18 under Chapter 378, Local Government Code;

19 (I) a North American Free Trade Agreement impact
20 zone created under Chapter 379, Local Government Code; and

21 (J) a defense base development authority
22 established under Chapter 379B, Local Government Code.

23 SECTION 2. COMMISSIONERS COURT OVERSIGHT. (a) A county
24 commissioners court has oversight authority over a special purpose
25 district or internal district created or operating inside the
26 county's boundaries.

27 (b) A special purpose district or internal district may not

1 be created inside a county's boundaries without giving the
2 commissioners court of the county:

3 (1) notice of the intention to create the special
4 purpose district or internal district;

5 (2) an opportunity to comment on the creation of the
6 special purpose district or internal district; and

7 (3) express oversight authority over the special
8 purpose district or internal district to the extent permitted by
9 the Texas Constitution.

10 (c) The boundaries of a special purpose district or internal
11 district may not be altered inside a county's boundaries without
12 giving the commissioners court of the county:

13 (1) notice of the intention to alter the boundaries;
14 and

15 (2) an opportunity to comment on the alteration.

16 (d) A special purpose district may not convert to a special
17 purpose district of another kind or consolidate with another
18 district without giving the commissioners court of the county:

19 (1) notice of the intention to convert or consolidate;
20 and

21 (2) an opportunity to comment on the conversion or
22 consolidation.

23 SECTION 3. POWERS AND DUTIES OF SPECIAL PURPOSE DISTRICTS,
24 INTERNAL DISTRICTS, OR POLITICAL SUBDIVISIONS. (a) A special
25 purpose district may be given authority to issue, amend, or revoke
26 permits under its jurisdiction and to enforce permit conditions.

27 (b) A county commissioners court may impose on a special

1 purpose district or internal district a duty to report to the court
2 regarding matters related to the jurisdiction or purpose of the
3 special purpose district or internal district.

4 (c) A special purpose district or a political subdivision
5 that creates or establishes an internal district may require a
6 utility to relocate utility facilities at the utility's expense to
7 facilitate the district or subdivision initiating or altering a
8 project in the right-of-way where the utility facilities are
9 located.

10 (d) Bonds to be issued by or on behalf of a special purpose
11 district or internal district are subject to the approval of a
12 county commissioners court.

13 (e) A special purpose district or internal district may
14 initiate recycling programs inside or outside of the boundaries of
15 the district.

16 (f) Peace officers may be employed by or on the behalf of a
17 special purpose district or internal district.

18 (g) To the extent provided by law, a special purpose
19 district or internal district may tax, make assessments against, or
20 impose fees on a person inside the boundaries of the special purpose
21 district or internal district to pay for purposes of the district.

22 (h) A special purpose district or internal district may
23 borrow money to finance purposes of the district.

24 (i) A special purpose district or internal district may
25 change the number or qualifications of the district's governing
26 body.

27 (j) A special purpose district or internal district may

1 alter its boundaries subject to Section 2(c) of this Act.

2 (k) A special purpose district or internal district may
3 contract with other persons to accomplish its purposes.

4 (l) As provided by law, a special purpose district may
5 convert into a special purpose district of another kind or
6 consolidate with another district, subject to Section 2(d) of this
7 Act.

8 (m) A special purpose district or internal district may
9 require of any person a report on a matter related to the purpose
10 for which the district is created. The report must be in the form
11 and include information as required by the district.

12 (n) A special purpose district or internal district may
13 adopt rules to ensure that the purposes for which the district is
14 created may be accomplished. A special purpose district may impose
15 penalties on a person who violates a rule of the district. An
16 internal district's rule may be enforced by the entity that created
17 the district.

18 SECTION 4. ENERGY MATTERS. (a) A special purpose district
19 or internal district, to the extent permissible by law, may engage
20 in activities to promote energy efficiency or the transmission of
21 electric energy inside the district's territory.

22 (b) A special purpose district or internal district shall
23 undertake programs to ensure that its activities are as energy
24 efficient as practicable.

25 (c) A special purpose district or internal district shall
26 undertake programs to educate the public regarding activities the
27 district takes regarding energy and energy efficiency. The

1 programs may also include educational efforts to promote energy
2 conservation or energy efficiency by the members of the public in
3 the district's territory.

4 SECTION 5. RECYCLING AND WASTE DISPOSAL. (a) A special
5 purpose district or internal district may establish recycling or
6 waste disposal programs that are consistent with the purpose for
7 which the district is created.

8 (b) A special purpose district or internal district shall
9 undertake programs to ensure that waste generated by the district's
10 activities is properly disposed of and, to the extent practicable,
11 recycled or reused.

12 SECTION 6. EFFECTIVE DATE. This Act takes effect September
13 1, 2009.