

## **BILL ANALYSIS**

C.S.H.B. 2343  
By: Dutton  
Special Purpose Districts  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Generation Park Management District is located in Northeast Harris County, Texas, within two emergency services districts. Interested parties recognize a need to address certain matters relating to its territory in the emergency services districts and to also clarify certain aspects of the management district's creation legislation. C.S.H.B. 2343 seeks to provide for those needs.

### **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**

C.S.H.B. 2343 amends the Special District Local Laws Code to establish that the Generation Park Management District is a governmental unit under the Texas Tort Claims Act and that the operations of the district are essential government functions and are not proprietary functions for any purpose, including the application of that act. The bill establishes that statutory provisions establishing and governing the district do not waive any governmental or sovereign immunity from suit, liability, or judgment applicable to the district. The bill revises the purposes of the district and establishes that the district will not act as the agent or instrumentality of any private interest even though the district will benefit many private interests as well as the public. The bill clarifies that all or any part of the district is eligible for inclusion in one or more of the following: a tax increment reinvestment zone, a tax abatement reinvestment zone, an enterprise zone, a foreign trade zone, or an industrial district.

C.S.H.B. 2343 specifies that statutory provisions establishing and governing the district prevail over certain Water Code provisions related to general law districts. The bill applies to the district Water Code provisions relating to the disqualification of a person to serve as a member of a district's board of directors, but the bill does not affect the entitlement of a member serving on the district's board immediately before the bill's effective date to continue to carry out the board's functions for the remainder of the member's term. The bill revises the district's authority to convey certain roads and improvements to the state, a county, or a municipality for operation and maintenance and authorizes the district to own, operate, and maintain such roads and improvements. The bill removes a statutory provision authorizing the district to contract with a qualified party to provide law enforcement services in the district and instead establishes that the district may contract for or employ its own peace officers in the manner provided for a general law district. The bill changes the types of project delivery methods that may be used by the district.

C.S.H.B. 2343 sets out provisions relating to the district's authority to cause all or part of the district's territory to be removed from a district providing firefighting or emergency medical services. The bill establishes that the district has the general power and duty to adopt and enforce rules in the manner provided for a municipal management district. The bill removes statutory provisions relating to the district's dissolution and the effect of the dissolution on the district's debt and instead requires the district's board, on dissolution of the district, to determine whether the district's assets will escheat to the state or are transferred to a political subdivision of the state.

### **EFFECTIVE DATE**

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

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2343 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Section 3916.002, Special District Local Laws Code, is amended to read as follows:

Sec. 3916.002. **CREATION AND NATURE OF DISTRICT; IMMUNITY.** (a) The Generation Park Management District is a special district created under Section 59, Article XVI, Texas Constitution.

(b) The district is a governmental unit under Chapter 101, Civil Practice and Remedies Code, and the operations of the district are essential government functions and are not proprietary functions for any purpose, including the application of Chapter 101, Civil Practice and Remedies Code.

(c) This chapter does not waive any governmental or sovereign immunity from suit, liability, or judgment that would otherwise apply to the district.

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Substantially the same as introduced version.

SECTION 2. Section 3916.006, Special District Local Laws Code, is amended.

SECTION 2. Same as introduced version.

SECTION 3. Section 3916.008, Special District Local Laws Code, is amended.

SECTION 3. Same as introduced version.

SECTION 4. Section 3916.011, Special District Local Laws Code, is amended.

SECTION 4. Same as introduced version.

SECTION 5. Subchapter B, Chapter 3916, Special District Local Laws Code, is amended.

SECTION 5. Same as introduced version.

SECTION 6. Section 3916.103, Special District Local Laws Code, is amended.

SECTION 7. Section 3916.104, Special District Local Laws Code, is amended.

SECTION 8. Sections 3916.105(a) and (b), Special District Local Laws Code, are amended.

SECTION 9. Section 3916.110, Special District Local Laws Code, is amended.

SECTION 10. Section 3916.116(a), Special District Local Laws Code, is amended to read as follows:

(a) Subchapter I, Chapter 49, Water Code, applies to a district contract for construction work, equipment, materials, or machinery. Notwithstanding Sections 2269.003(a) and 2269.352, Government Code, the [The] district may use any [a] project delivery method described by Subchapter I, Chapter 49, Water Code, or Chapter 2269 [2267], Government Code, including a delivery method described by Subchapter H, Chapter 2269, Government Code.

SECTION 11. Subchapter C, Chapter 3916, Special District Local Laws Code, is amended by adding Section 3916.119 to read as follows:

Sec. 3916.119. FIREFIGHTING AND EMERGENCY MEDICAL SERVICES. (a) Subchapter L, Chapter 49, Water Code, applies to the district.

(b) The district may remove all or part of the district's territory from a district providing firefighting or emergency medical services in the same manner a municipality annexing territory in such a district may remove that territory.

The district may remove that territory regardless of whether the territory was originally included in such a district or was subsequently annexed.

(c) On the removal of territory under Subsection (b), each district from which territory was removed shall change its records to show that the territory has been

SECTION 6. Same as introduced version.

SECTION 7. Same as introduced version.

SECTION 8. Same as introduced version.

SECTION 9. Same as introduced version.

SECTION 10. Section 3916.116(a), Special District Local Laws Code, is amended to read as follows:

(a) Subchapter I, Chapter 49, Water Code, applies to a district contract for construction work, equipment, materials, or machinery. Notwithstanding the limitations and requirements of Sections 2269.003(a) and 2269.352, Government Code, the [The] district may use any [a] project delivery method described by Subchapter I, Chapter 49, Water Code, or Chapter 2269 [2267], Government Code, including a delivery method described by Subchapter H, Chapter 2269, Government Code.

SECTION 11. Subchapter C, Chapter 3916, Special District Local Laws Code, is amended by adding Section 3916.119 to read as follows:

Sec. 3916.119. FIREFIGHTING AND EMERGENCY MEDICAL SERVICES. (a) Subchapter L, Chapter 49, Water Code, applies to the district.

(b) Except as provided in Subsection (c) and subject to Subsection (d), the district has the same rights and powers as a municipality annexing territory in a district that provides firefighting or emergency medical services to cause all or part of the territory in the district to be removed from a district providing firefighting or emergency medical services.

(c) The district may cause the removal of territory under Subsection (b) whether or not that territory was originally included in or subsequently annexed into the district.

disannexed and shall cease to provide further services to the residents of that territory.

(d) The district's right to remove territory under Subsection (b) is conditioned on the execution of an agreement for the removal of the territory entered into under Chapter 791, Government Code, or other applicable law, between the district and each district from which the territory will be removed. The agreement may include terms for the payment of funds from the district's current revenues for the continued provision of firefighting or emergency medical services to the district or such other lawful terms that the parties consider appropriate.

(e) The disannexation of territory under this section does not diminish or impair the rights of the holders of any outstanding and unpaid bonds, warrants, or other obligations, including loans and lease-purchase agreements, of the district from which the territory was removed.

SECTION 12. Section 3916.153, Special District Local Laws Code, is amended.

SECTION 13. Section 3916.351, Special District Local Laws Code, is amended.

SECTION 14. The change in law made by Section 3916.054, Special District Local Laws Code, as added by this Act, does not affect the entitlement of a member serving on the board of directors of the Generation Park Management District immediately before the effective date of this Act to continue to carry out the board's functions for the remainder of the member's term. The change in law applies only to a member elected on or after the effective date of this Act.

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

(d) The district's right to cause the removal of territory under this section shall be subject to a mutually satisfactory agreement under Chapter 791, Government Code, or other applicable law, between the district and a district that provides firefighting or emergency medical services from which the territory will be removed, which may include terms for the payment of funds from current revenues of the district for the continued provision of firefighting or emergency medical services or such other lawful terms that the parties consider appropriate.

(e) The removal of territory under this section does not diminish or impair the rights of the holders of any outstanding and unpaid bonds, warrants, or other obligations, including loans and lease-purchase agreements, of the district from which the territory was removed.

SECTION 12. Same as introduced version.

SECTION 13. Same as introduced version.

SECTION 14. Same as introduced version.

SECTION 15. Same as introduced version.

Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

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

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

SECTION 16. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

SECTION 16. Same as introduced version.