

By: Dutton

H.B. No. 2343

Substitute the following for H.B. No. 2343:

By: Fallon

C.S.H.B. No. 2343

A BILL TO BE ENTITLED

AN ACT

relating to the Generation Park Management District.

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

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 applicable to the district.

SECTION 2. Section 3916.006, Special District Local Laws Code, is amended by amending Subsection (d) and adding Subsection (f) to read as follows:

(d) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to

1 preserve, maintain, and enhance the economic health and vitality of  
2 the district territory as a community and business center;

3 (3) promote the health, safety, welfare, and enjoyment  
4 of the public by providing pedestrian ways, road facilities,  
5 transit facilities, parking facilities, conduit facilities, rail  
6 facilities and other enhanced infrastructure, [~~and~~] recreational  
7 facilities, and public art and by landscaping and developing  
8 certain areas, which are necessary for the restoration,  
9 preservation, and enhancement of scenic and aesthetic beauty; and

10 (4) provide for water, wastewater, and drainage[~~,  
11 road, rail, and recreational~~] facilities for the district.

12 (f) The district will not act as the agent or  
13 instrumentality of any private interest even though the district  
14 will benefit many private interests as well as the public.

15 SECTION 3. Section 3916.008, Special District Local Laws  
16 Code, is amended to read as follows:

17 Sec. 3916.008. ELIGIBILITY FOR INCLUSION IN SPECIAL  
18 ZONES. All or any part of the area of the district is eligible to  
19 be included in one or more of the following:

20 (1) a tax increment reinvestment zone created under  
21 Chapter 311, Tax Code;

22 (2) a tax abatement reinvestment zone created under  
23 Chapter 312, Tax Code;

24 (3) an enterprise zone created under Chapter 2303,  
25 Government Code;

26 (4) a foreign trade zone created under Chapter 681,  
27 Business & Commerce Code; or

1           (5) an industrial district created under Chapter 42,  
2 Local Government Code.

3           SECTION 4. Section [3916.011](#), Special District Local Laws  
4 Code, is amended to read as follows:

5           Sec. 3916.011. CONFLICTS OF LAW. This chapter prevails  
6 over any provision of general law, including a provision of Chapter  
7 375, Local Government Code, or Chapter 49, Water Code, that is in  
8 conflict or inconsistent with this chapter.

9           SECTION 5. Subchapter B, Chapter 3916, Special District  
10 Local Laws Code, is amended by adding Section 3916.054 to read as  
11 follows:

12           Sec. 3916.054. DISQUALIFICATION OF DIRECTORS. Section  
13 [49.052](#), Water Code, applies to the district.

14           SECTION 6. Section [3916.103](#), Special District Local Laws  
15 Code, is amended to read as follows:

16           Sec. 3916.103. RECREATIONAL FACILITIES. The district may  
17 develop or finance recreational facilities as authorized by Chapter  
18 375, Local Government Code, Sections [52](#) and [52-a](#), Article III,  
19 Texas Constitution, Section [59](#), Article XVI, Texas Constitution,  
20 and any other law that applies to the district.

21           SECTION 7. Section [3916.104](#), Special District Local Laws  
22 Code, is amended to read as follows:

23           Sec. 3916.104. AUTHORITY FOR ROAD PROJECTS. Under Section  
24 [52](#), Article III, Texas Constitution, the district may own, operate,  
25 maintain, design, acquire, construct, finance, issue bonds, notes,  
26 or other obligations for, and improve~~[, and convey to this state, a~~  
27 ~~county, or a municipality for operation and maintenance]~~

1 macadamized, graveled, or paved roads or improvements, including  
2 storm drainage and other improvements located in or adjacent to  
3 road rights-of-way, in aid of those roads.

4 SECTION 8. Sections 3916.105(a) and (b), Special District  
5 Local Laws Code, are amended to read as follows:

6 (a) The district may [~~shall~~] convey a road project  
7 authorized by Section 3916.104 to:

8 (1) the municipality or county that will operate and  
9 maintain the road if the municipality or county has approved the  
10 plans and specifications of the road project; or

11 (2) the state if the state will operate and maintain  
12 the road and the Texas Transportation Commission has approved the  
13 plans and specifications of the road project.

14 (b) Except as provided by Subsection (c), the district shall  
15 operate and maintain a road project authorized by Section 3916.104  
16 that the district implements and does [~~is~~] not convey to [~~approved~~  
17 ~~by~~] a municipality, a county, or this state under Subsection (a).

18 SECTION 9. Section 3916.110, Special District Local Laws  
19 Code, is amended to read as follows:

20 Sec. 3916.110. LAW ENFORCEMENT SERVICES. Section 49.216,  
21 Water Code, applies to the district [~~To protect the public~~  
22 ~~interest, the district may contract with a qualified party,~~  
23 ~~including the county or the city, to provide law enforcement~~  
24 ~~services in the district for a separate fee or as otherwise provided~~  
25 ~~by the contract].~~

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

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

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

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

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

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

24 (d) The district's right to cause the removal of territory  
25 under this section shall be subject to a mutually satisfactory  
26 agreement under Chapter 791, Government Code, or other applicable  
27 law, between the district and a district that provides firefighting

1 or emergency medical services from which the territory will be  
2 removed, which may include terms for the payment of funds from  
3 current revenues of the district for the continued provision of  
4 firefighting or emergency medical services or such other lawful  
5 terms that the parties consider appropriate.

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

11 SECTION 12. Section 3916.153, Special District Local Laws  
12 Code, is amended to read as follows:

13 Sec. 3916.153. RULES. (a) The district has the general  
14 power and duty to adopt and enforce rules as provided by Section  
15 375.096(c), Local Government Code.

16 (b) The district may adopt and enforce rules covering its  
17 public transit system or its public parking facilities, except that  
18 a rule relating to or affecting the use of the public right-of-way  
19 or a requirement for off-street parking is subject to  
20 all applicable county requirements.

21 SECTION 13. Section 3916.351, Special District Local Laws  
22 Code, is amended to read as follows:

23 Sec. 3916.351. DISSOLUTION OF DISTRICT [~~WITH OUTSTANDING~~  
24 ~~DEBT~~]. Notwithstanding Section 375.263(b), Local Government Code,  
25 on dissolution of the district, the board shall determine whether  
26 the district's assets will escheat to the state or are transferred  
27 to a political subdivision of the state. [~~(a) The board may dissolve~~

1 ~~the district regardless of whether the district has debt. Section~~  
2 ~~375.264, Local Government Code, does not apply to the district.~~

3 ~~[(b) If the district has debt when it is dissolved, the~~  
4 ~~district shall remain in existence solely for the purpose of~~  
5 ~~discharging its debts. The dissolution is effective when all debts~~  
6 ~~have been discharged.]~~

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

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

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

25 (c) The Texas Commission on Environmental Quality has filed  
26 its recommendations relating to this Act with the governor, the  
27 lieutenant governor, and the speaker of the house of

1 representatives within the required time.

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

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