

By: Miles

H.B. No. 4150

A BILL TO BE ENTITLED

AN ACT

relating to the powers and the board of the Harris County Improvement District No. 12.

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

SECTION 1. Section 3880.002, Special District Local Laws Code, is amended to read as follows:

Sec. 3880.002. NATURE OF DISTRICT; IMMUNITY. (a) The Harris County Improvement District No. 12 is a special district created under Section 59, Article XVI, Texas Constitution.

(b) The district is a governmental unit, as provided by Section 375.004, Local Government Code.

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

SECTION 2. Section 3880.004(d), Special District Local Laws Code, is amended 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 preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center;

(3) promote the health, safety, welfare, and enjoyment

1 of the public by providing pedestrian ways, road facilities,
2 parking facilities, recreational facilities, and public art
3 objects and by landscaping and developing certain areas in the
4 district, which are necessary for the restoration, preservation,
5 and enhancement of scenic beauty; and

6 (4) provide for water, wastewater, and drainage[~~7~~
7 ~~road, and recreational~~] facilities for the district.

8 SECTION 3. Subchapter A, Chapter 3880, Special District
9 Local Laws Code, is amended by adding Section 3880.009 to read as
10 follows:

11 Sec. 3880.009. CONFLICTS OF LAW. This chapter prevails
12 over any provision of general law, including a provision of Chapter
13 375, Local Government Code, or Chapter 49, Water Code, that is in
14 conflict or inconsistent with this chapter.

15 SECTION 4. Subchapter B, Chapter 3880, Special District
16 Local Laws Code, is amended by adding Section 3880.057 to read as
17 follows:

18 Sec. 3880.057. QUALIFICATION OF DIRECTORS. (a) Section
19 49.052, Water Code, applies to the district.

20 (b) A director is not required to:

21 (1) own property in the district;

22 (2) own a beneficial interest in a trust that owns
23 property within the district; or

24 (3) be an agent, employee, or tenant of a person
25 covered by Subdivision (1) or (2).

26 SECTION 5. Section 3880.153, Special District Local Laws
27 Code, is amended to read as follows:

1 Sec. 3880.153. RULES. In addition to rules and regulations
2 adopted under the district's general rulemaking authority in
3 Section 375.096(c), Local Government Code, the [The] district may
4 adopt and enforce rules governing the district's public parking
5 facilities.

6 SECTION 6. Chapter 3880, Special District Local Laws Code,
7 is amended by adding Subchapter G to read as follows:

8 SUBCHAPTER G. DISSOLUTION

9 Sec. 3880.301. Notwithstanding Section 375.263(b), Local
10 Government Code, on dissolution of the district, the district's
11 assets escheat to the state.

12 SECTION 7. (a) The legislature confirms and validates all
13 actions of the Harris County Improvement District No. 12 that
14 relate to the bond and tax election held in the district on November
15 8, 2011.

16 (b) This section does not apply to any matter that on the
17 effective date of this Act:

18 (1) is involved in litigation if the litigation
19 ultimately results in the matter being held invalid by a final court
20 judgment; or

21 (2) has been held invalid by a final court judgment.

22 SECTION 8. (a) The legal notice of the intention to
23 introduce this Act, setting forth the general substance of this
24 Act, has been published as provided by law, and the notice and a
25 copy of this Act have been furnished to all persons, agencies,
26 officials, or entities to which they are required to be furnished
27 under Section 59, Article XVI, Texas Constitution, and Chapter 313,

1 Government Code.

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

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

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

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