

By: Schofield

H.B. No. 4166

Substitute the following for H.B. No. 4166:

By: Fallon

C.S.H.B. No. 4166

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties and composition of the board of directors of the Bridgeland Management District.

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

SECTION 1. Section 3901.002, Special District Local Laws Code, is amended to read as follows:

Sec. 3901.002. CREATION AND NATURE OF DISTRICT; IMMUNITY. (a) The district 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 3901.006(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; and

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

1 of the public by providing pedestrian ways, road facilities,  
2 transit facilities, parking facilities, conduit facilities and  
3 other enhanced infrastructure, recreational facilities, and public  
4 art objects and by landscaping and developing certain areas, which  
5 are necessary for the restoration, preservation, and enhancement of  
6 scenic beauty.

7 SECTION 3. Section 3901.008, Special District Local Laws  
8 Code, is amended to read as follows:

9 Sec. 3901.008. ELIGIBILITY FOR INCLUSION IN SPECIAL  
10 ZONES. All or any part of the area of the district is eligible to  
11 be included in one or more of the following:

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

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

16 (3) an enterprise zone created under Chapter 2303,  
17 Government Code; or

18 (4) an industrial district created under Chapter 42,  
19 Local Government Code.

20 SECTION 4. Section 3901.011, Special District Local Laws  
21 Code, is amended to read as follows:

22 Sec. 3901.011. CONFLICTS OF LAW. This chapter prevails  
23 over any provision of general law, including a provision of Chapter  
24 375, Local Government Code, or Chapter 49, Water Code, that is in  
25 conflict or inconsistent with this chapter.

26 SECTION 5. Subchapter B, Chapter 3901, Special District  
27 Local Laws Code, is amended by adding Section 3901.054 to read as

1 follows:

2 Sec. 3901.054. DISQUALIFICATION OF DIRECTORS. Section  
3 49.052, Water Code, applies to the members of the board of the  
4 district.

5 SECTION 6. Section 3901.103, Special District Local Laws  
6 Code, is amended to read as follows:

7 Sec. 3901.103. RECREATIONAL FACILITIES. The district may  
8 develop or finance recreational facilities as authorized by Chapter  
9 375, Local Government Code, Sections 52 and 52-a, Article III,  
10 Texas Constitution, Section 59, Article XVI, Texas Constitution,  
11 and any other law that applies to the district.

12 SECTION 7. Section 3901.104, Special District Local Laws  
13 Code, is amended to read as follows:

14 Sec. 3901.104. AUTHORITY FOR ROAD PROJECTS. Under Section  
15 52, Article III, Texas Constitution, the district may own, operate,  
16 maintain, design, acquire, construct, finance, issue bonds, notes,  
17 or other obligations for, improve, and convey to this state, a  
18 county, or a municipality, for ownership, operation, and  
19 maintenance, macadamized, graveled, or paved roads or  
20 improvements, including storm drainage, in aid of those roads.

21 SECTION 8. Sections 3901.105(a) and (b), Special District  
22 Local Laws Code, are amended to read as follows:

23 (a) The district may [~~shall~~] convey a road project  
24 authorized by Section 3901.104 to:

25 (1) a [~~the~~] municipality or county that will operate  
26 and maintain the road if the municipality or county has approved the  
27 plans and specifications of the road project; or

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

4           (b) Except as provided by Subsection (c), the district shall  
5 operate and maintain a road project authorized by Section 3901.104  
6 that the district implements and does ~~[is]~~ not convey to ~~[approved~~  
7 ~~by]~~ a municipality, a county, or this state under Subsection (a).

8           SECTION 9. Section 3901.109, Special District Local Laws  
9 Code, is amended to read as follows:

10           Sec. 3901.109. LAW ENFORCEMENT SERVICES. Section 49.216,  
11 Water Code, applies to the district ~~[To protect the public~~  
12 ~~interest, the district may contract with a qualified party,~~  
13 ~~including the county or the city, to provide law enforcement~~  
14 ~~services in the district].~~

15           SECTION 10. Section 3901.114, Special District Local Laws  
16 Code, is amended by amending Subsection (c) and adding Subsections  
17 (d) and (e) to read as follows:

18           (c) The district may include and exclude land as provided by  
19 Sections 54.739-54.747, Water Code. A reference in those sections  
20 to a "tax" means an ad valorem tax for the purposes of this  
21 subsection.

22           (d) If the district adopts a sales and use tax authorized at  
23 an election held under Section 3901.252 and subsequently includes  
24 new territory in the district under this section, the district:

25           (1) is not required to hold another election to  
26 approve the imposition of the sales and use tax in the included  
27 territory; and

1           (2) shall impose the sales and use tax in the included  
2 territory as provided by Chapter 321, Tax Code.

3           (e) If the district adopts a sales and use tax authorized at  
4 an election held under Section 3901.252 and subsequently excludes  
5 territory in the district under this section, the sales and use tax  
6 is inapplicable to the excluded territory, as provided by Chapter  
7 321, Tax Code.

8           SECTION 11. Section 3901.153, Special District Local Laws  
9 Code, is amended to read as follows:

10           Sec. 3901.153. RULES. In addition to rules and regulations  
11 adopted under the district's general rulemaking authority in  
12 Section 375.096(c), Local Government Code, the [The] district may  
13 adopt and enforce rules covering its public transit system or its  
14 public parking facilities, except that a rule relating to or  
15 affecting the use of the public right-of-way or a requirement for  
16 off-street parking is subject to all applicable county  
17 requirements.

18           SECTION 12. Subchapter C-1, Chapter 3901, Special District  
19 Local Laws Code, is amended by adding Section 3901.156 to read as  
20 follows:

21           Sec. 3901.156. MASS TRANSIT SYSTEMS. This subchapter does  
22 not limit the authority of the district to provide mass transit  
23 systems under Chapter 375, Local Government Code.

24           SECTION 13. Chapter 3901, Special District Local Laws Code,  
25 is amended by adding Subchapter C-2 to read as follows:

26                           SUBCHAPTER C-2. CONDUIT FACILITIES

27           Sec. 3901.171. CONDUIT FACILITIES. (a) The district may

1 finance, acquire, construct, improve, operate, maintain, or charge  
2 a fee for the use of conduits for:

3 (1) fiber-optic cable and supporting facilities;

4 (2) electronic transmission and distribution lines  
5 and supporting facilities; or

6 (3) other types of transmission and distribution lines  
7 and supporting facilities.

8 (b) The district may not require a person to use a district  
9 conduit for a purpose described by Subsection (a)(1) or another  
10 telecommunications purpose.

11 SECTION 14. Section 3901.204(a), Special District Local  
12 Laws Code, is amended to read as follows:

13 (a) The board by resolution may impose and collect an  
14 assessment for any purpose authorized by this chapter in all or any  
15 part of the district regardless of whether the part of the district  
16 where the assessment is to be imposed is subject to an assessment  
17 previously imposed by the board.

18 SECTION 15. Subchapter D, Chapter 3901, Special District  
19 Local Laws Code, is amended by adding Section 3901.209 to read as  
20 follows:

21 Sec. 3901.209. AUDIT EXEMPTION. (a) The district may elect  
22 to complete an annual financial report in lieu of an annual audit  
23 under Section 375.096(a)(6), Local Government Code, if:

24 (1) the district had no bonds or other long-term (more  
25 than one year) liabilities outstanding during the fiscal period;

26 (2) the district did not have gross receipts from  
27 operations, loans, taxes, assessments, or contributions in excess

1 of \$250,000 during the fiscal period; and

2 (3) the district's cash and temporary investments were  
3 not in excess of \$250,000 during the fiscal period.

4 (b) Each annual financial report prepared in accordance  
5 with this section must be open to public inspection and accompanied  
6 by an affidavit signed by a duly authorized representative of the  
7 district attesting to the accuracy and authenticity of the  
8 financial report.

9 (c) The annual financial report and affidavit shall be  
10 substantially similar in form to the annual financial report and  
11 affidavit forms prescribed by the executive director of the Texas  
12 Commission on Environmental Quality under Section 49.198, Water  
13 Code.

14 SECTION 16. The change in law made by Section 3901.054,  
15 Special District Local Laws Code, as added by this Act, does not  
16 affect the entitlement of a member serving on the board of directors  
17 of the Bridgeland Management District immediately before the  
18 effective date of this Act to continue to carry out the board's  
19 functions for the remainder of the member's term. The change in law  
20 applies only to a member elected on or after the effective date of  
21 this Act.

22 SECTION 17. (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 18. This Act takes effect immediately if it  
14 receives a vote of two-thirds of all the members elected to each  
15 house, as provided by Section 39, Article III, Texas Constitution.  
16 If this Act does not receive the vote necessary for immediate  
17 effect, this Act takes effect September 1, 2015.