

By: Schofield

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 3901.011, Special District Local Laws  
8 Code, is amended to read as follows:

9 Sec. 3901.011. CONFLICTS OF LAW. This chapter prevails  
10 over any provision of general law, including a provision of Chapter  
11 375, Local Government Code, or Chapter 49, Water Code, that is in  
12 conflict or inconsistent with this chapter.

13 SECTION 4. Subchapter B, Chapter 3901, Special District  
14 Local Laws Code, is amended by adding Section 3901.054 to read as  
15 follows:

16 Sec. 3901.054. DISQUALIFICATION OF DIRECTORS. Section  
17 49.052, Water Code, applies to the members of the board of the  
18 district.

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

21 Sec. 3901.103. RECREATIONAL FACILITIES. The district may  
22 develop or finance recreational facilities as authorized by Chapter  
23 375, Local Government Code, Sections 52 and 52-a, Article III,  
24 Texas Constitution, Section 59, Article XVI, Texas Constitution,  
25 and any other law that applies to the district.

26 SECTION 6. Section 3901.104, Special District Local Laws  
27 Code, is amended to read as follows:

1           Sec. 3901.104. AUTHORITY FOR ROAD PROJECTS. Under Section  
2 52, Article III, Texas Constitution, the district may own, operate,  
3 maintain, design, acquire, construct, finance, issue bonds, notes,  
4 or other obligations for, improve, and convey to this state, a  
5 county, or a municipality, for ownership, operation, and  
6 maintenance, macadamized, graveled, or paved roads or  
7 improvements, including storm drainage, in aid of those roads.

8           SECTION 7. Sections 3901.105(a) and (b), Special District  
9 Local Laws Code, are amended to read as follows:

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

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

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

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

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

24           Sec. 3901.109. LAW ENFORCEMENT SERVICES. Section 49.216,  
25 Water Code, applies to the district [~~To protect the public~~  
26 ~~interest, the district may contract with a qualified party,~~  
27 ~~including the county or the city, to provide law enforcement~~

1 ~~services in the district]~~.

2 SECTION 9. Section 3901.114, Special District Local Laws  
3 Code, is amended by amending Subsection (c) and adding Subsections  
4 (d) and (e) to read as follows:

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

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

12 (1) is not required to hold another election to  
13 approve the imposition of the sales and use tax in the included  
14 territory; and

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

17 (e) If the district adopts a sales and use tax authorized at  
18 an election held under Section 3901.252 and subsequently excludes  
19 territory in the district under this section, the sales and use tax  
20 is inapplicable to the excluded territory, as provided by Chapter  
21 321, Tax Code.

22 SECTION 10. Section 3901.115(a), Special District Local  
23 Laws Code, is amended to read as follows:

24 (a) Subchapter I, Chapter 49, Water Code, applies to a  
25 district contract for construction work, equipment, materials, or  
26 machinery. Notwithstanding Sections 2269.003(a) and 2269.352,  
27 Government Code, the [The] district may use any [a] project

1 delivery method described by Subchapter I, Chapter 49, Water Code,  
2 or Chapter 2269, Government Code, including a delivery method  
3 described by Subchapter H, Chapter 2269, Government Code  
4 [~~Subchapter H, Chapter 271, Local Government Code~~].

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

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

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

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

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

23 SUBCHAPTER C-2. CONDUIT FACILITIES

24 Sec. 3901.171. CONDUIT FACILITIES. (a) The district may  
25 finance, acquire, construct, improve, operate, maintain, or charge  
26 a fee for the use of conduits for:

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

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

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

5           (b) The district may not require a person to use a district  
6 conduit for a purpose described by Subsection (a)(1) or another  
7 telecommunications purpose.

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

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

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

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

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

23           (2) the district did not have gross receipts from  
24 operations, loans, taxes, assessments, or contributions in excess  
25 of \$250,000 during the fiscal period; and

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

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

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

11        SECTION 16. Section 3901.351, Special District Local Laws  
12 Code, is amended to read as follows:

13        Sec. 3901.351. DISSOLUTION OF DISTRICT [~~WITH OUTSTANDING~~  
14 ~~DEBT~~]. (a) Sections 375.262 and 375.264, Local Government Code, do  
15 not apply to the district.

16        (b) The board may dissolve the district regardless of  
17 whether the district has debt. [~~Section 375.264, Local Government~~  
18 Code, does not apply to the district.

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

23        (c) Notwithstanding Section 375.263(b), Local Government  
24 Code, on dissolution of the district, the board shall determine  
25 whether the district's assets will escheat to the state or are  
26 transferred to a political subdivision of the state.

27        SECTION 17. The change in law made by Section 3901.054,

1 Special District Local Laws Code, as added by this Act, does not  
2 affect the entitlement of a member serving on the board of directors  
3 of the Bridgeland Management District immediately before the  
4 effective date of this Act to continue to carry out the board's  
5 functions for the remainder of the member's term. The change in law  
6 applies only to a member elected on or after the effective date of  
7 this Act.

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

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

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

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

26 SECTION 19. This Act takes effect immediately if it  
27 receives a vote of two-thirds of all the members elected to each



H.B. No. 4166

1 house, as provided by Section 39, Article III, Texas Constitution.  
2 If this Act does not receive the vote necessary for immediate  
3 effect, this Act takes effect September 1, 2015.