

1-1 By: Garcia S.B. No. 839
 1-2 (In the Senate - Filed February 27, 2015; March 4, 2015, read
 1-3 first time and referred to Committee on Intergovernmental
 1-4 Relations; April 30, 2015, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
 1-6 April 30, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 839 By: Garcia

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the Generation Park Management District.
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-21 SECTION 1. Section 3916.002, Special District Local Laws
 1-22 Code, is amended to read as follows:
 1-23 Sec. 3916.002. CREATION AND NATURE OF DISTRICT; IMMUNITY.
 1-24 (a) The Generation Park Management District is a special district
 1-25 created under Section 59, Article XVI, Texas Constitution.
 1-26 (b) The district is a governmental unit under Chapter 101,
 1-27 Civil Practice and Remedies Code, and the operations of the
 1-28 district are essential government functions and are not proprietary
 1-29 functions for any purpose, including the application of Chapter
 1-30 101, Civil Practice and Remedies Code.
 1-31 (c) This chapter does not waive any governmental or
 1-32 sovereign immunity from suit, liability, or judgment applicable to
 1-33 the district.
 1-34 SECTION 2. Section 3916.006, Special District Local Laws
 1-35 Code, is amended by amending Subsection (d) and adding Subsection
 1-36 (f) to read as follows:
 1-37 (d) The district will:
 1-38 (1) promote the health, safety, and general welfare of
 1-39 residents, employers, potential employees, employees, visitors,
 1-40 and consumers in the district, and of the public;
 1-41 (2) provide needed funding for the district to
 1-42 preserve, maintain, and enhance the economic health and vitality of
 1-43 the district territory as a community and business center;
 1-44 (3) promote the health, safety, welfare, and enjoyment
 1-45 of the public by providing pedestrian ways, road facilities,
 1-46 transit facilities, parking facilities, conduit facilities, rail
 1-47 facilities and other enhanced infrastructure, ~~and~~ recreational
 1-48 facilities, and public art and by landscaping and developing
 1-49 certain areas, which are necessary for the restoration,
 1-50 preservation, and enhancement of scenic and aesthetic beauty; and
 1-51 (4) provide for water, wastewater, and drainage ~~and~~
 1-52 ~~road, rail, and recreational~~ facilities for the district.
 1-53 (f) The district will not act as the agent or
 1-54 instrumentality of any private interest even though the district
 1-55 will benefit many private interests as well as the public.
 1-56 SECTION 3. Section 3916.008, Special District Local Laws
 1-57 Code, is amended to read as follows:
 1-58 Sec. 3916.008. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.
 1-59 All or any part of the area of the district is eligible to be
 1-60 included in one or more of the following:

- 2-1 (1) a tax increment reinvestment zone created under
- 2-2 Chapter 311, Tax Code;
- 2-3 (2) a tax abatement reinvestment zone created under
- 2-4 Chapter 312, Tax Code;
- 2-5 (3) an enterprise zone created under Chapter 2303,
- 2-6 Government Code;
- 2-7 (4) a foreign trade zone created under Chapter 681,
- 2-8 Business & Commerce Code; or
- 2-9 (5) an industrial district created under Chapter 42,
- 2-10 Local Government Code.

2-11 SECTION 4. Section 3916.011, Special District Local Laws

2-12 Code, is amended to read as follows:
2-13 Sec. 3916.011. CONFLICTS OF LAW. This chapter prevails
2-14 over any provision of general law, including a provision of Chapter
2-15 375, Local Government Code, or Chapter 49, Water Code, that is in
2-16 conflict or inconsistent with this chapter.

2-17 SECTION 5. Subchapter B, Chapter 3916, Special District
2-18 Local Laws Code, is amended by adding Section 3916.054 to read as
2-19 follows:

2-20 Sec. 3916.054. DISQUALIFICATION OF DIRECTORS. Section
2-21 49.052, Water Code, applies to the district.

2-22 SECTION 6. Section 3916.103, Special District Local Laws
2-23 Code, is amended to read as follows:

2-24 Sec. 3916.103. RECREATIONAL FACILITIES. The district may
2-25 develop or finance recreational facilities as authorized by Chapter
2-26 375, Local Government Code, Sections 52 and 52-a, Article III,
2-27 Texas Constitution, Section 59, Article XVI, Texas Constitution,
2-28 and any other law that applies to the district.

2-29 SECTION 7. Section 3916.104, Special District Local Laws
2-30 Code, is amended to read as follows:

2-31 Sec. 3916.104. AUTHORITY FOR ROAD PROJECTS. Under Section
2-32 52, Article III, Texas Constitution, the district may own, operate,
2-33 maintain, design, acquire, construct, finance, issue bonds, notes,
2-34 or other obligations for, and improve~~[, and convey to this state, a~~
2-35 ~~county, or a municipality for operation and maintenance]~~
2-36 macadamized, graveled, or paved roads or improvements, including
2-37 storm drainage and other improvements located in or adjacent to
2-38 road rights-of-way, in aid of those roads.

2-39 SECTION 8. Sections 3916.105(a) and (b), Special District
2-40 Local Laws Code, are amended to read as follows:

2-41 (a) The district may ~~[shall]~~ convey a road project
2-42 authorized by Section 3916.104 to:

2-43 (1) the municipality or county that will operate and
2-44 maintain the road if the municipality or county has approved the
2-45 plans and specifications of the road project; or

2-46 (2) the state if the state will operate and maintain
2-47 the road and the Texas Transportation Commission has approved the
2-48 plans and specifications of the road project.

2-49 (b) Except as provided by Subsection (c), the district shall
2-50 operate and maintain a road project authorized by Section 3916.104
2-51 that the district implements and does ~~[is]~~ not convey to ~~[approved~~
2-52 ~~by]~~ a municipality, a county, or this state under Subsection (a).

2-53 SECTION 9. Section 3916.110, Special District Local Laws
2-54 Code, is amended to read as follows:

2-55 Sec. 3916.110. LAW ENFORCEMENT SERVICES. Section 49.216,
2-56 Water Code, applies to the district ~~[To protect the public~~
2-57 ~~interest, the district may contract with a qualified party,~~
2-58 ~~including the county or the city, to provide law enforcement~~
2-59 ~~services in the district for a separate fee or as otherwise provided~~
2-60 ~~by the contract].~~

2-61 SECTION 10. Section 3916.116(a), Special District Local
2-62 Laws Code, is amended to read as follows:

2-63 (a) Subchapter I, Chapter 49, Water Code, applies to a
2-64 district contract for construction work, equipment, materials, or
2-65 machinery. Notwithstanding the limitations and requirements of
2-66 Sections 2269.003(a) and 2269.352, Government Code, the ~~[The]~~
2-67 district may use any ~~[a]~~ project delivery method described by
2-68 Subchapter I, Chapter 49, Water Code, or Chapter 2269 ~~[2267]~~,
2-69 Government Code, including a delivery method described by

3-1 Subchapter H, Chapter 2269, Government Code.

3-2 SECTION 11. Subchapter C, Chapter 3916, Special District
3-3 Local Laws Code, is amended by adding Section 3916.119 to read as
3-4 follows:

3-5 Sec. 3916.119. FIREFIGHTING AND EMERGENCY MEDICAL
3-6 SERVICES. (a) Subchapter L, Chapter 49, Water Code, applies to
3-7 the district.

3-8 (b) Except as provided in Subsection (c) and subject to
3-9 Subsection (d), the district has the same rights and powers as a
3-10 municipality annexing territory in a district that provides
3-11 firefighting or emergency medical services to cause all or part of
3-12 the territory in the district to be removed from a district
3-13 providing firefighting or emergency medical services.

3-14 (c) The district may cause the removal of territory under
3-15 Subsection (b) whether or not that territory was originally
3-16 included in or subsequently annexed into the district.

3-17 (d) The district's right to cause the removal of territory
3-18 under this section shall be subject to a mutually satisfactory
3-19 agreement under Chapter 791, Government Code, or other applicable
3-20 law, between the district and a district that provides firefighting
3-21 or emergency medical services from which the territory will be
3-22 removed, which may include terms for the payment of funds from
3-23 current revenues of the district for the continued provision of
3-24 firefighting or emergency medical services or such other lawful
3-25 terms that the parties consider appropriate.

3-26 (e) The removal of territory under this section does not
3-27 diminish or impair the rights of the holders of any outstanding and
3-28 unpaid bonds, warrants, or other obligations, including loans and
3-29 lease-purchase agreements, of the district from which the territory
3-30 was removed.

3-31 SECTION 12. Section 3916.153, Special District Local Laws
3-32 Code, is amended to read as follows:

3-33 Sec. 3916.153. RULES. (a) The district has the general
3-34 power and duty to adopt and enforce rules as provided by Section
3-35 375.096(c), Local Government Code.

3-36 (b) The district may adopt and enforce rules covering its
3-37 public transit system or its public parking facilities, except that
3-38 a rule relating to or affecting the use of the public right-of-way
3-39 or a requirement for off-street parking is subject to
3-40 all applicable county requirements.

3-41 SECTION 13. Section 3916.351, Special District Local Laws
3-42 Code, is amended to read as follows:

3-43 Sec. 3916.351. DISSOLUTION OF DISTRICT [~~WITH OUTSTANDING~~
3-44 ~~DEBT~~]. Notwithstanding Section 375.263(b), Local Government Code,
3-45 on dissolution of the district, the board shall determine whether
3-46 the district's assets will escheat to the state or are transferred
3-47 to a political subdivision of the state. [~~(a) The board may~~
3-48 ~~dissolve the district regardless of whether the district has debt.~~
3-49 Section 375.264, Local Government Code, does not apply to the
3-50 district.

3-51 [~~(b) If the district has debt when it is dissolved, the~~
3-52 ~~district shall remain in existence solely for the purpose of~~
3-53 ~~discharging its debts. The dissolution is effective when all debts~~
3-54 ~~have been discharged.]~~

3-55 SECTION 14. The change in law made by Section 3916.054,
3-56 Special District Local Laws Code, as added by this Act, does not
3-57 affect the entitlement of a member serving on the board of directors
3-58 of the Generation Park Management District immediately before the
3-59 effective date of this Act to continue to carry out the board's
3-60 functions for the remainder of the member's term. The change in law
3-61 applies only to a member elected on or after the effective date of
3-62 this Act.

3-63 SECTION 15. (a) The legal notice of the intention to
3-64 introduce this Act, setting forth the general substance of this
3-65 Act, has been published as provided by law, and the notice and a
3-66 copy of this Act have been furnished to all persons, agencies,
3-67 officials, or entities to which they are required to be furnished
3-68 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3-69 Government Code.

4-1 (b) The governor, one of the required recipients, has
4-2 submitted the notice and Act to the Texas Commission on
4-3 Environmental Quality.

4-4 (c) The Texas Commission on Environmental Quality has filed
4-5 its recommendations relating to this Act with the governor, the
4-6 lieutenant governor, and the speaker of the house of
4-7 representatives within the required time.

4-8 (d) All requirements of the constitution and laws of this
4-9 state and the rules and procedures of the legislature with respect
4-10 to the notice, introduction, and passage of this Act are fulfilled
4-11 and accomplished.

4-12 SECTION 16. This Act takes effect immediately if it
4-13 receives a vote of two-thirds of all the members elected to each
4-14 house, as provided by Section 39, Article III, Texas Constitution.
4-15 If this Act does not receive the vote necessary for immediate
4-16 effect, this Act takes effect September 1, 2015.

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