

BILL ANALYSIS

Senate Research Center

S.B. 1260
By: Creighton
Intergovernmental Relations
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Chambers County Improvement District No. 2 (district) encompasses approximately 723 acres within the extraterritorial jurisdiction of the City of Baytown. The land located within the district is being developed for a master planned business park and is in need of the power to maintain road facilities. The act amends the district's current authority to finance and construct road facilities to also allow the district to maintain and operate those roads. The act also includes a number of provisions to expressly demonstrate the nature of the district as a political subdivision, subjects the district's directors to the same disqualification provisions as a municipal utility district, and makes other clarifying changes related to conflicts of law and inclusion of the district area within special zones.

S.B. 1260 amends current law relating to the Chambers County Improvement District No. 2.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 3872.002, Special District Local Laws Code, as follows:

Sec. 3872.002. New heading: CREATION AND NATURE OF DISTRICT; IMMUNITY. (a) Creates this subsection from existing text and makes no further changes to this subsection.

(b) Provides that the Chambers County Improvement District No. 2 (district) is a governmental unit under Chapter 101 (Tort Claims), 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) Provides that this chapter (Chambers County Improvement District No. 2) does not waive any governmental or sovereign immunity from suit, liability, or judgment applicable to the district.

SECTION 2. Amends Section 3872.006(d), Special District Local Laws Code, as follows:

(d) Provides that the district will:

(1) and (2) makes no changes to these subdivisions;

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and road facilities and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty; and

(4) makes no changes to this subdivision.

SECTION 3. Amends Section 3872.008, Special District Local Laws Code, as follows:

Sec. 3872.008. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES. Authorizes all or any part of the area of the district to be included in one or more of the following:

(1) through (4) makes no changes to these subdivisions.

SECTION 4. Amends Subchapter A, Chapter 3872, Special District Local Laws Code, by adding Section 3872.011, as follows:

Sec. 3872.011. CONFLICTS OF LAW. Provides that this chapter prevails over any provision of general law, including a provision of Chapter 375 (Municipal Management Districts in General), Local Government Code, or Chapter 49 (Provisions Applicable to All Districts), Water Code, that is in conflict or inconsistent with this chapter.

SECTION 5. Amends Subchapter B, Chapter 3872, Special District Local Laws Code, by adding Section 3872.054, as follows:

Sec. 3872.054. DISQUALIFICATION OF DIRECTORS. Provides that Section 49.052 (Disqualification of Directors), Water Code, applies to the district.

SECTION 6. Amends Section 3872.102, Special District Local Laws Code, to authorize the district to develop or finance recreational facilities as authorized by Chapter 375, Local Government Code, Sections 52 (Counties, Cities or Other Political Corporations or Subdivisions; Lending Credit; Grants; Bonds) and 52-a (Loan or Grant of Public Money for Economic Development), Article III (Legislative Department), Texas Constitution, Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservations and Reclamation Districts), Article XVI (General Provisions), Texas Constitution, and any other law that applies to the district.

SECTION 7. Amends Section 3872.104, Special District Local Laws Code, as follows:

Sec. 3872.104. AUTHORITY FOR ROAD PROJECTS. Authorizes the district, under Section 52, Article III, Texas Constitution, to own, operate, maintain, improve, design, acquire, construct, finance, and issue bonds, notes, or other obligations for macadamized, graveled, or paved roads or improvements, including storm drainage and other improvements located in or adjacent to road rights-of-way, rather than authorizes the district, under Section 52, Article III, Texas Constitution, to design, acquire, construct, finance, issue bonds for, improve, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads or improvements, including storm drainage, in aid of those roads.

SECTION 8. Amends Subchapter C, Chapter 3872, Special District Local Laws Code, by adding Section 3872.1051, as follows:

Sec. 3872.1051. CONVEYANCE AND APPROVAL OF ROAD PROJECT. (a) Authorizes the district to convey a road project authorized by Section 3872.104 to:

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

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

(b) Requires the district, except as provided by Subsection (c), to operate and maintain a road project authorized by Section 3872.104 that the district

implements and does not convey to a municipality, a county, or this state under Subsection (a).

(c) Authorizes the district to agree in writing with a municipality, a county, or this state to assign operation and maintenance duties to the district, the municipality, the county, or this state in a manner other than the manner described in Subsections (a) and (b).

SECTION 9. Amends Section 3872.109, Special District Local Laws Code, as follows:

Sec. 3872.109. New heading: LAW ENFORCEMENT SERVICES. Provides that Section 49.216 (Enforcement by Peace Officers), Water Code, applies to the district. Deletes existing text authorizing the district, to protect the public interest, to contract with a qualified party, including Chambers County or the City of Baytown, for the provision of law enforcement services in the district for a fee.

SECTION 10. Amends Section 3872.155(a), Special District Local Laws Code, to authorize the board of directors of the district (board) to impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district regardless of whether the part of the district where the assessment is to be imposed is subject to an assessment previously imposed by the board.

SECTION 11. Repealer: Section 3872.105 (Road Standards and Requirements), Special District Local Laws Code.

SECTION 12. Provides that the change in law made by Section 3872.054, Special District Local Laws Code, as added by this Act, does not affect the entitlement of a member serving on the board immediately before the effective date of this Act to continue to carry out the board's functions for the remainder of the member's term. Provides that the change in law applies only to a member elected on or after the effective date of this Act.

SECTION 13. Provides that all requirements of the constitution and the laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 14. Effective date: upon passage or September 1, 2017.