

By: Faircloth

H.B. No. 2748

A BILL TO BE ENTITLED

AN ACT

relating to the Chambers County Improvement District No. 2.

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

SECTION 1. Section 3872.002, Special District Local Laws Code, is amended to read as follows:

Sec. 3872.002. CREATION AND NATURE OF DISTRICT; IMMUNITY.

(a) The district is a special district created under Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

(b) The district is a governmental unit under Chapter 101, 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) This chapter does not waive any governmental or sovereign immunity from suit, liability, or judgment applicable to the district.

SECTION 2. Section 3872.006(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

1 preserve, maintain, and enhance the economic health and vitality of  
2 the district territory as a community and business center;

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

8 (4) provide for water, wastewater, drainage, road, and  
9 recreational facilities for the district.

10 SECTION 3. Section 3872.008, Special District Local Laws  
11 Code, is amended to read as follows:

12 Sec. 3872.008. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.  
13 All or any part of the area of the district may be included in one or  
14 more of the following:

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

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

19 (3) an enterprise zone created under Chapter 2303,  
20 Government Code; or

21 (4) an industrial district created under Chapter 42,  
22 Local Government Code.

23 SECTION 4. Subchapter A, Chapter 3872, Special District  
24 Local Laws Code, is amended by adding Section 3872.011 to read as  
25 follows:

26 Sec. 3872.011. CONFLICTS OF LAW. This chapter prevails over  
27 any provision of general law, including a provision of Chapter 375,

1 Local Government Code, or Chapter 49, Water Code, that is in  
2 conflict or inconsistent with this chapter.

3 SECTION 5. Subchapter B, Chapter 3872, Special District  
4 Local Laws Code, is amended by adding Section 3872.054 to read as  
5 follows:

6 Sec. 3872.054. DISQUALIFICATION OF DIRECTORS. Section  
7 49.052, Water Code, applies to the district.

8 SECTION 6. Section 3872.102, Special District Local Laws  
9 Code, is amended to read as follows:

10 Sec. 3872.102. RECREATIONAL FACILITIES. The district may  
11 develop or finance recreational facilities as authorized by Chapter  
12 375, Local Government Code, Sections 52 and 52-a, Article III,  
13 Texas Constitution, Section 59, Article XVI, Texas Constitution,  
14 and any other law that applies to the district.

15 SECTION 7. Section 3872.104, Special District Local Laws  
16 Code, is amended to read as follows:

17 Sec. 3872.104. AUTHORITY FOR ROAD PROJECTS. Under Section  
18 52, Article III, Texas Constitution, the district may own, operate,  
19 maintain, improve, design, acquire, construct, finance, and issue  
20 bonds, notes, or other obligations for~~[, improve, and convey to~~  
21 ~~this state, a county, or a municipality for operation and~~  
22 ~~maintenance]~~ macadamized, graveled, or paved roads or  
23 improvements, including storm drainage and other improvements  
24 located in or adjacent to road rights-of-way, in aid of those roads.

25 SECTION 8. Subchapter C, Chapter 3872, Special District  
26 Local Laws Code, is amended by adding Section 3872.1051 to read as  
27 follows:

1       Sec. 3872.1051. CONVEYANCE AND APPROVAL OF ROAD PROJECT.

2       (a) The district may convey a road project authorized by Section  
3       3872.104 to:

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

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

10       (b) Except as provided by Subsection (c), the district shall  
11       operate and maintain a road project authorized by Section 3872.104  
12       that the district implements and does not convey to a municipality,  
13       a county, or this state under Subsection (a).

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

18       SECTION 9. Section 3872.109, Special District Local Laws  
19       Code, is amended to read as follows:

20       Sec. 3872.109. LAW ENFORCEMENT SERVICES. Section 49.216,  
21       Water Code, applies to the district [~~AUTHORITY TO CONTRACT FOR LAW~~  
22       ~~ENFORCEMENT. To protect the public interest, the district may~~  
23       ~~contract with a qualified party, including Chambers County or the~~  
24       ~~City of Baytown, for the provision of law enforcement services in~~  
25       ~~the district for a fee].~~

26       SECTION 10. Section 3872.155(a), Special District Local  
27       Laws Code, is amended to read as follows:

1           (a) The board by resolution may impose and collect an  
2 assessment for any purpose authorized by this chapter in all or any  
3 part of the district regardless of whether the part of the district  
4 where the assessment is to be imposed is subject to an assessment  
5 previously imposed by the board.

6           SECTION 11. Section 3872.105, Special District Local Laws  
7 Code, is repealed.

8           SECTION 12. The change in law made by Section 3872.054,  
9 Special District Local Laws Code, as added by this Act, does not  
10 affect the entitlement of a member serving on the board of directors  
11 of the Chambers County Improvement District No. 2 immediately  
12 before the effective date of this Act to continue to carry out the  
13 board's functions for the remainder of the member's term. The  
14 change in law applies only to a member elected on or after the  
15 effective date of this Act.

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

23           (b) The governor, one of the required recipients, has  
24 submitted the notice and Act to the Texas Commission on  
25 Environmental Quality.

26           (c) The Texas Commission on Environmental Quality has filed  
27 its recommendations relating to this Act with the governor, the

1 lieutenant governor, and the speaker of the house of  
2 representatives within the required time.

3 (d) All requirements of the constitution and laws of this  
4 state and the rules and procedures of the legislature with respect  
5 to the notice, introduction, and passage of this Act are fulfilled  
6 and accomplished.

7 SECTION 14. This Act takes effect immediately if it  
8 receives a vote of two-thirds of all the members elected to each  
9 house, as provided by Section 39, Article III, Texas Constitution.  
10 If this Act does not receive the vote necessary for immediate  
11 effect, this Act takes effect September 1, 2017.