

1-1 By: Creighton S.B. No. 1260
1-2 (In the Senate - Filed March 3, 2017; March 13, 2017, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; May 2, 2017, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 2, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the Chambers County Improvement District No. 2.
1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-19 SECTION 1. Section 3872.002, Special District Local Laws
1-20 Code, is amended to read as follows:
1-21 Sec. 3872.002. CREATION AND NATURE OF DISTRICT; IMMUNITY.
1-22 (a) The district is a special district created under Sections 52
1-23 and 52-a, Article III, and Section 59, Article XVI, Texas
1-24 Constitution.
1-25 (b) The district is a governmental unit under Chapter 101,
1-26 Civil Practice and Remedies Code, and the operations of the
1-27 district are essential government functions and are not proprietary
1-28 functions for any purpose, including the application of Chapter
1-29 101, Civil Practice and Remedies Code.
1-30 (c) This chapter does not waive any governmental or
1-31 sovereign immunity from suit, liability, or judgment applicable to
1-32 the district.
1-33 SECTION 2. Section 3872.006(d), Special District Local Laws
1-34 Code, is amended to read as follows:
1-35 (d) The district will:
1-36 (1) promote the health, safety, and general welfare of
1-37 residents, employers, potential employees, employees, visitors,
1-38 and consumers in the district, and of the public;
1-39 (2) provide needed funding for the district to
1-40 preserve, maintain, and enhance the economic health and vitality of
1-41 the district territory as a community and business center;
1-42 (3) promote the health, safety, welfare, and enjoyment
1-43 of the public by providing pedestrian ways and road facilities and
1-44 by landscaping and developing certain areas in the district, which
1-45 are necessary for the restoration, preservation, and enhancement of
1-46 scenic beauty; and
1-47 (4) provide for water, wastewater, drainage, road, and
1-48 recreational facilities for the district.
1-49 SECTION 3. Section 3872.008, Special District Local Laws
1-50 Code, is amended to read as follows:
1-51 Sec. 3872.008. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.
1-52 All or any part of the area of the district may be included in one or
1-53 more of the following:
1-54 (1) a tax increment reinvestment zone created under
1-55 Chapter 311, Tax Code;
1-56 (2) a tax abatement reinvestment zone created under
1-57 Chapter 312, Tax Code;
1-58 (3) an enterprise zone created under Chapter 2303,
1-59 Government Code; or
1-60 (4) an industrial district created under Chapter 42,
1-61 Local Government Code.

2-1 SECTION 4. Subchapter A, Chapter 3872, Special District
2-2 Local Laws Code, is amended by adding Section 3872.011 to read as
2-3 follows:

2-4 Sec. 3872.011. CONFLICTS OF LAW. This chapter prevails
2-5 over any provision of general law, including a provision of Chapter
2-6 375, Local Government Code, or Chapter 49, Water Code, that is in
2-7 conflict or inconsistent with this chapter.

2-8 SECTION 5. Subchapter B, Chapter 3872, Special District
2-9 Local Laws Code, is amended by adding Section 3872.054 to read as
2-10 follows:

2-11 Sec. 3872.054. DISQUALIFICATION OF DIRECTORS. Section
2-12 49.052, Water Code, applies to the district.

2-13 SECTION 6. Section 3872.102, Special District Local Laws
2-14 Code, is amended to read as follows:

2-15 Sec. 3872.102. RECREATIONAL FACILITIES. The district may
2-16 develop or finance recreational facilities as authorized by Chapter
2-17 375, Local Government Code, Sections 52 and 52-a, Article III,
2-18 Texas Constitution, Section 59, Article XVI, Texas Constitution,
2-19 and any other law that applies to the district.

2-20 SECTION 7. Section 3872.104, Special District Local Laws
2-21 Code, is amended to read as follows:

2-22 Sec. 3872.104. AUTHORITY FOR ROAD PROJECTS. Under Section
2-23 52, Article III, Texas Constitution, the district may own, operate,
2-24 maintain, improve, design, acquire, construct, finance, and issue
2-25 bonds, notes, or other obligations for~~[, improve, and convey to~~
2-26 ~~this state, a county, or a municipality for operation and~~
2-27 ~~maintenance]~~ macadamized, graveled, or paved roads or
2-28 improvements, including storm drainage and other improvements
2-29 located in or adjacent to road rights-of-way, in aid of those roads.

2-30 SECTION 8. Subchapter C, Chapter 3872, Special District
2-31 Local Laws Code, is amended by adding Section 3872.1051 to read as
2-32 follows:

2-33 Sec. 3872.1051. CONVEYANCE AND APPROVAL OF ROAD PROJECT.

2-34 (a) The district may convey a road project authorized by Section
2-35 3872.104 to:

2-36 (1) the municipality or county that will operate and
2-37 maintain the road if the municipality or county has approved the
2-38 plans and specifications of the road project; or

2-39 (2) the state if the state will operate and maintain
2-40 the road and the Texas Transportation Commission has approved the
2-41 plans and specifications of the road project.

2-42 (b) Except as provided by Subsection (c), the district shall
2-43 operate and maintain a road project authorized by Section 3872.104
2-44 that the district implements and does not convey to a municipality,
2-45 a county, or this state under Subsection (a).

2-46 (c) The district may agree in writing with a municipality, a
2-47 county, or this state to assign operation and maintenance duties to
2-48 the district, the municipality, the county, or this state in a
2-49 manner other than the manner described in Subsections (a) and (b).

2-50 SECTION 9. Section 3872.109, Special District Local Laws
2-51 Code, is amended to read as follows:

2-52 Sec. 3872.109. LAW ENFORCEMENT SERVICES. Section 49.216,
2-53 Water Code, applies to the district ~~[AUTHORITY TO CONTRACT FOR LAW~~
2-54 ~~ENFORCEMENT. To protect the public interest, the district may~~
2-55 ~~contract with a qualified party, including Chambers County or the~~
2-56 ~~City of Baytown, for the provision of law enforcement services in~~
2-57 ~~the district for a fee].~~

2-58 SECTION 10. Section 3872.155(a), Special District Local
2-59 Laws Code, is amended to read as follows:

2-60 (a) The board by resolution may impose and collect an
2-61 assessment for any purpose authorized by this chapter in all or any
2-62 part of the district regardless of whether the part of the district
2-63 where the assessment is to be imposed is subject to an assessment
2-64 previously imposed by the board.

2-65 SECTION 11. Section 3872.105, Special District Local Laws
2-66 Code, is repealed.

2-67 SECTION 12. The change in law made by Section 3872.054,
2-68 Special District Local Laws Code, as added by this Act, does not
2-69 affect the entitlement of a member serving on the board of directors

3-1 of the Chambers County Improvement District No. 2 immediately
3-2 before the effective date of this Act to continue to carry out the
3-3 board's functions for the remainder of the member's term. The
3-4 change in law applies only to a member elected on or after the
3-5 effective date of this Act.

3-6 SECTION 13. (a) The legal notice of the intention to
3-7 introduce this Act, setting forth the general substance of this
3-8 Act, has been published as provided by law, and the notice and a
3-9 copy of this Act have been furnished to all persons, agencies,
3-10 officials, or entities to which they are required to be furnished
3-11 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3-12 Government Code.

3-13 (b) The governor, one of the required recipients, has
3-14 submitted the notice and Act to the Texas Commission on
3-15 Environmental Quality.

3-16 (c) The Texas Commission on Environmental Quality has filed
3-17 its recommendations relating to this Act with the governor, the
3-18 lieutenant governor, and the speaker of the house of
3-19 representatives within the required time.

3-20 (d) All requirements of the constitution and laws of this
3-21 state and the rules and procedures of the legislature with respect
3-22 to the notice, introduction, and passage of this Act are fulfilled
3-23 and accomplished.

3-24 SECTION 14. This Act takes effect immediately if it
3-25 receives a vote of two-thirds of all the members elected to each
3-26 house, as provided by Section 39, Article III, Texas Constitution.
3-27 If this Act does not receive the vote necessary for immediate
3-28 effect, this Act takes effect September 1, 2017.

3-29

* * * * *