

BILL ANALYSIS

S.B. 839
By: Garcia
Special Purpose Districts
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Generation Park Management District (GPMD) is located in Northeast Harris County and is a district of good standing. The district is interested in creating and maintaining new transportation and beautification projects in the district to attract new businesses into the area and spur economic growth. Additionally, as the district is located within two emergency service districts, the three districts would like the ability to enter into a new, mutually agreeable service plan to reduce duplication of services.

S.B. 839 amends current law relating to the Generation Park Management District.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 3916.002, Special District Local Laws Code, as follows:

Sec. 3916.002. New heading: CREATION AND NATURE OF DISTRICT; IMMUNITY. (a) Creates this subsection from existing text. Provides that the Generation Park Management District (district) is a special district created under Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI, Texas Constitution.

(b) Provides that the 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 does not waive any governmental or sovereign immunity from suit, liability, or judgment applicable to the district.

SECTION 2. Amends Section 3916.006, Special District Local Laws Code, by amending Subsection (d) and adding Subsection (f), as follows:

(d) Provides that the district will:

(1)-(2) Makes no change to these subdivisions;

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways, road facilities, transit facilities, parking facilities, conduit facilities, rail facilities and other enhanced infrastructure, recreational facilities, and public art and by landscaping and developing certain areas, which are necessary for the restoration, preservation, and enhancement of scenic and aesthetic beauty; and

(4) provide for water, wastewater, and drainage facilities, rather than for water, wastewater, drainage, road, rail, and recreational facilities, for the district.

(f) Provides that the district will not act as the agent or instrumentality of any private interest even though the district will benefit many private interests as well as the public.

SECTION 3. Amends Section 3916.008, Special District Local Laws Code, as follows:

Sec. 3916.008. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES. Provides that all or any part of the area of the district is eligible to be included in one or more of the following:

(1)-(5) Makes no change to these subdivisions.

SECTION 4. Amends Section 3916.011, Special District Local Laws Code, to add reference to Chapter 49 (Provisions Applicable to All Districts), Water Code, to the list of provisions of general law over which this chapter prevails in the event of a conflict.

SECTION 5. Amends Subchapter B, Chapter 3916, Special District Local Laws Code, by adding Section 3916.054, as follows:

Sec. 3916.054. DISQUALIFICATION OF DIRECTORS. Provides that Section 49.052 (Disqualification of Directors), Water Code, applies to the district.

SECTION 6. Amends Section 3916.103, Special District Local Laws Code, to add Section 59, Article XVI, Texas Constitution, to certain laws in this section that authorize the district to develop or finance recreational facilities.

SECTION 7. Amends Section 3916.104, Special District Local Laws Code, as follows:

Sec. 3916.104. AUTHORITY OF ROAD PROJECTS. Authorizes the district, under Section 52 (Counties, Cities or Other Political Corporations or Subdivisions; Lending Credit; Grants; Bonds), Article III, Texas Constitution, to own, operate, maintain, design, acquire, construct, finance, issue bonds, notes, or other obligations for, and improve macadamized, graveled, or paved roads or improvements, including storm drainage and other improvements located in or adjacent to road rights-of-way, in aid of those roads. Deletes existing text that authorizes the district to convey to this state, a county, or a municipality for operation and maintenance of certain roads or improvements.

SECTION 8. Amends Sections 3916.105(a) and (b), Special District Local Laws Code, as follows:

(a) Authorizes, rather than requires, the district to convey a road project authorized by Section 3916.104 to:

(1) and (2) Makes no change to these subdivisions.

(b) Requires that the district, except as provided by Subsection (c) (authorizing the district to agree in writing with a municipality, a county or this state to assign operation and maintenance duties to the district), operate and maintain a road project authorized by Section 3916.104 that the district implements and does not convey to, rather than is not approved by, a municipality, a county, or this state under Subsection (a).

SECTION 9. Amends Section 3916.110, Special District Local Laws Code, as follows:

Sec. 3916.110. 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 the county or the city, to provide law enforcement services in the district for a separate fee or as otherwise provided by the contract.

SECTION 10. Amends Section 3916.116(a), Special District Local Laws Code, to authorize the district, notwithstanding the limitations and requirements of Sections 2269.003(a) (providing that this chapter prevails over other law relating to a public work contract) and 2269.352 (Applicability), Government Code, to use any project delivery method described by Subchapter I (Construction, Equipment, Materials, and Machinery Contracts), Chapter 49, Water Code, or Chapter 2269 (Contracting and Delivery Procedures for Construction Projects), Government Code, including a delivery method described by Subchapter H (Design-Build Procedures for Certain Civil Works Projects), Chapter 2269, Government Code, rather than authorizes the district to use a project delivery method described by Subchapter I, Chapter 49, Water Code, or Chapter 2267, Government Code.

SECTION 11. Amends Subchapter C, Chapter 3916, Special District Local Laws Code, by adding Section 3916.119, as follows:

Sec. 3916.119. FIREFIGHTING AND EMERGENCY MEDICAL SERVICES. (a) Provides that Subchapter L (Fire Departments), Chapter 49, Water Code, applies to the district.

(b) Provides that, except as provided in Subsection (c) and subject to Subsection (d), the district has the same rights and powers as a municipality annexing territory in a district that provides firefighting or emergency medical services to cause all or part of the territory in the district to be removed from a district providing firefighting or emergency medical services.

(c) Authorizes the district to cause the removal of territory under Subsection (b) whether or not that territory was originally included in or subsequently annexed into the district.

(d) Requires that the district's right to cause the removal of territory under this section be subject to a mutually satisfactory agreement under Chapter 791 (Interlocal Cooperation Contracts), Government Code, or other applicable law, between the district and a district that provides firefighting or emergency medical services from which the territory will be removed, which may include terms for the payment of funds from current revenues of the district for the continued provision of firefighting or emergency medical services or such other lawful terms that the parties consider appropriate.

(e) Provides that the removal of territory under this section does not diminish or impair the rights of the holders of any outstanding and unpaid bonds, warrants, or other obligations, including loans and lease-purchasing agreements, of the district from which the territory was removed.

SECTION 12. Amends Section 3916.153, Special District Local Laws Code, as follows:

Sec. 3916.153. RULES. (a) Provides that the district has the general power and duty to adopt and enforce rules as provided by Section 375.096(c) (authorizing a district board of directors to adopt and enforce reasonable rules and regulation governing the administration of the district and programs and projects), Local Government Code.

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

SECTION 13. Amends Section 3916.351, Special District Local Laws Code, as follows:

Sec. 3916.351. New heading: DISSOLUTION OF DISTRICT. Requires the district's board of the directors (board), notwithstanding Section 375.263(b) (relating to dissolution of the district on adoption of municipal ordinance), Local Government Code, on dissolution of the district, to determine whether the district's assets will escheat to the state or are transferred to a political subdivision of the state.

Deletes existing Subsection (a) authorizing the board to dissolve the district regardless of whether the district has debt and providing that Section 375.264, Local Government Code, does not apply to the district. Deletes existing Subsection (b) requiring the district, if the district has debt when it is dissolved, to remain in existence solely for the purpose of discharging its debts, and providing that the dissolution is effective when all debts have been discharged.

SECTION 14. Provides that the change in law made by Section 3916.054, Special District Local Laws Code, as added by this Act, does not affect the entitlement of a member serving on the board of directors of the Generation Park Management District 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 15. 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 16. Effective date: upon passage or September 1, 2015.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2015.