

## **BILL ANALYSIS**

H.B. 2748  
By: Faircloth  
County Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties contend that a number of changes and clarifications to the enabling legislation of the Chambers County Improvement District No. 2 are needed. H.B. 2748 provides for the changes and clarifications.

### **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**

H.B. 2748 amends the Special District Local Laws Code to establish that the Chambers County Improvement District No. 2 is a governmental unit under the Texas Tort Claims Act and that the operations of the district are essential government functions and are not proprietary functions for any purpose. The bill establishes that the district's governing provisions expressly do not waive any governmental or sovereign immunity from suit, liability, or judgment applicable to the district. The bill specifies that for purposes of the inclusion of all or any part of the area of the district in a tax increment reinvestment zone, a tax abatement reinvestment zone, an enterprise zone, or an industrial district such area may be included in one or more such zones or district.

H.B. 2748 establishes that the district's governing provisions prevail over any provision of general law that is in conflict or inconsistent with the provisions. The bill applies to the district Water Code provisions applicable to certain water districts relating to the disqualification of directors and specifies that such provisions do not affect the entitlement of a member serving on the board of directors of the district immediately before the bill's effective date to continue to carry out the board's functions for the remainder of the member's term.

H.B. 2748 revises the district's authority for road projects and authorizes the district to convey a road project, under certain conditions, to the state or the municipality or county that will operate and maintain the road. The bill requires the district to operate and maintain a road project that the district implements and does not convey to a municipality, a county, or the state. The bill authorizes the district, if the district does not convey the road project or operate and maintain the project, to agree in writing with a municipality, a county, or the state to assign operation and maintenance duties of the road project to the district, the municipality, the county, or the state.

H.B. 2748 replaces the authorization for the district to contract with a qualified party for the provision of law enforcement services in the district for a fee with a provision that applies to the

district Water Code provisions applicable to certain water districts relating to peace officer enforcement. The bill specifies that the board's authorization to impose and collect an assessment in all or any part of the district applies 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.

H.B. 2748 repeals Section 3872.105, Special District Local Laws Code.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.