

1-1 By: Kolkhorst S.B. No. 1362
 1-2 (In the Senate - Filed March 11, 2015; March 18, 2015, read
 1-3 first time and referred to Committee on Intergovernmental
 1-4 Relations; May 5, 2015, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
 1-6 May 5, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Campbell	X			
1-11 Garcia	X			
1-12 Menéndez	X			
1-13 Nichols	X			
1-14 Taylor of Galveston			X	

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1362 By: Lucio

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the powers and duties and composition of the board of
 1-20 directors of the Bridgeland Management District.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 3901.002, Special District Local Laws
 1-23 Code, is amended to read as follows:

1-24 Sec. 3901.002. CREATION AND NATURE OF DISTRICT; IMMUNITY.

1-25 (a) The district is a special district created under Section 59,
 1-26 Article XVI, Texas Constitution.

1-27 (b) The district is a governmental unit, as provided by
 1-28 Section 375.004, Local Government Code.

1-29 (c) This chapter does not waive any governmental or
 1-30 sovereign immunity from suit, liability, or judgment that would
 1-31 otherwise apply to the district.

1-32 SECTION 2. Section 3901.006(d), Special District Local Laws
 1-33 Code, is amended to read as follows:

1-34 (d) The district will:

1-35 (1) promote the health, safety, and general welfare of
 1-36 residents, employers, potential employees, employees, visitors,
 1-37 and consumers in the district, and of the public;

1-38 (2) provide needed funding for the district to
 1-39 preserve, maintain, and enhance the economic health and vitality of
 1-40 the district territory as a community and business center; and

1-41 (3) promote the health, safety, welfare, and enjoyment
 1-42 of the public by providing pedestrian ways, road facilities,
 1-43 transit facilities, parking facilities, conduit facilities and
 1-44 other enhanced infrastructure, recreational facilities, and public
 1-45 art objects and by landscaping and developing certain areas, which
 1-46 are necessary for the restoration, preservation, and enhancement of
 1-47 scenic beauty.

1-48 SECTION 3. Section 3901.008, Special District Local Laws
 1-49 Code, is amended to read as follows:

1-50 Sec. 3901.008. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.
 1-51 All or any part of the area of the district is eligible to be
 1-52 included in one or more of the following:

1-53 (1) a tax increment reinvestment zone created under
 1-54 Chapter 311, Tax Code;

1-55 (2) a tax abatement reinvestment zone created under
 1-56 Chapter 312, Tax Code;

1-57 (3) an enterprise zone created under Chapter 2303,
 1-58 Government Code; or

1-59 (4) an industrial district created under Chapter 42,
 1-60 Local Government Code.

2-1 SECTION 4. Section 3901.011, Special District Local Laws
 2-2 Code, is amended to read as follows:

2-3 Sec. 3901.011. CONFLICTS OF LAW. This chapter prevails
 2-4 over any provision of general law, including a provision of Chapter
 2-5 375, Local Government Code, or Chapter 49, Water Code, that is in
 2-6 conflict or inconsistent with this chapter.

2-7 SECTION 5. Subchapter B, Chapter 3901, Special District
 2-8 Local Laws Code, is amended by adding Section 3901.054 to read as
 2-9 follows:

2-10 Sec. 3901.054. DISQUALIFICATION OF DIRECTORS. Section
 2-11 49.052, Water Code, applies to the members of the board of the
 2-12 district.

2-13 SECTION 6. Section 3901.103, Special District Local Laws
 2-14 Code, is amended to read as follows:

2-15 Sec. 3901.103. 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 3901.104, Special District Local Laws
 2-21 Code, is amended to read as follows:

2-22 Sec. 3901.104. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-23 52, Article III, Texas Constitution, the district may own, operate,
 2-24 maintain, design, acquire, construct, finance, issue bonds, notes,
 2-25 or other obligations for, improve, and convey to this state, a
 2-26 county, or a municipality, for ownership, operation, and
 2-27 maintenance, macadamized, graveled, or paved roads or
 2-28 improvements, including storm drainage, in aid of those roads.

2-29 SECTION 8. Sections 3901.105(a) and (b), Special District
 2-30 Local Laws Code, are amended to read as follows:

2-31 (a) The district may ~~shall~~ convey a road project
 2-32 authorized by Section 3901.104 to:

2-33 (1) a [the] municipality or county that will operate
 2-34 and maintain the road if the municipality or county has approved the
 2-35 plans and specifications of the road project; or

2-36 (2) the state if the state will operate and maintain
 2-37 the road and the Texas Transportation Commission has approved the
 2-38 plans and specifications of the road project.

2-39 (b) Except as provided by Subsection (c), the district shall
 2-40 operate and maintain a road project authorized by Section 3901.104
 2-41 that the district implements and does [is] not convey to [approved
 2-42 by] a municipality, a county, or this state under Subsection (a).

2-43 SECTION 9. Section 3901.109, Special District Local Laws
 2-44 Code, is amended to read as follows:

2-45 Sec. 3901.109. LAW ENFORCEMENT SERVICES. Section 49.216,
 2-46 Water Code, applies to the district [To protect the public
 2-47 interest, the district may contract with a qualified party,
 2-48 including the county or the city, to provide law enforcement
 2-49 services in the district].

2-50 SECTION 10. Section 3901.114, Special District Local Laws
 2-51 Code, is amended by amending Subsection (c) and adding Subsections
 2-52 (d) and (e) to read as follows:

2-53 (c) The district may include and exclude land as provided by
 2-54 Sections 54.739-54.747, Water Code. A reference in those sections
 2-55 to a "tax" means an ad valorem tax for the purposes of this
 2-56 subsection.

2-57 (d) If the district adopts a sales and use tax authorized at
 2-58 an election held under Section 3901.252 and subsequently includes
 2-59 new territory in the district under this section, the district:

2-60 (1) is not required to hold another election to
 2-61 approve the imposition of the sales and use tax in the included
 2-62 territory; and

2-63 (2) shall impose the sales and use tax in the included
 2-64 territory as provided by Chapter 321, Tax Code.

2-65 (e) If the district adopts a sales and use tax authorized at
 2-66 an election held under Section 3901.252 and subsequently excludes
 2-67 territory in the district under this section, the sales and use tax
 2-68 is inapplicable to the excluded territory, as provided by Chapter
 2-69 321, Tax Code.

3-1 SECTION 11. Section 3901.153, Special District Local Laws
3-2 Code, is amended to read as follows:

3-3 Sec. 3901.153. RULES. In addition to rules and regulations
3-4 adopted under the district's general rulemaking authority in
3-5 Section 375.096(c), Local Government Code, the [The] district may
3-6 adopt and enforce rules covering its public transit system or its
3-7 public parking facilities, except that a rule relating to or
3-8 affecting the use of the public right-of-way or a requirement for
3-9 off-street parking is subject to all applicable county
3-10 requirements.

3-11 SECTION 12. Subchapter C-1, Chapter 3901, Special District
3-12 Local Laws Code, is amended by adding Section 3901.156 to read as
3-13 follows:

3-14 Sec. 3901.156. MASS TRANSIT SYSTEMS. This subchapter does
3-15 not limit the authority of the district to provide mass transit
3-16 systems under Chapter 375, Local Government Code.

3-17 SECTION 13. Chapter 3901, Special District Local Laws Code,
3-18 is amended by adding Subchapter C-2 to read as follows:

3-19 SUBCHAPTER C-2. CONDUIT FACILITIES

3-20 Sec. 3901.171. CONDUIT FACILITIES. (a) The district may
3-21 finance, acquire, construct, improve, operate, maintain, or charge
3-22 a fee for the use of conduits for:

3-23 (1) fiber-optic cable and supporting facilities;

3-24 (2) electronic transmission and distribution lines
3-25 and supporting facilities; or

3-26 (3) other types of transmission and distribution lines
3-27 and supporting facilities.

3-28 (b) The district may not require a person to use a district
3-29 conduit for a purpose described by Subsection (a)(1) or another
3-30 telecommunications purpose.

3-31 SECTION 14. Section 3901.204(a), Special District Local
3-32 Laws Code, is amended to read as follows:

3-33 (a) The board by resolution may impose and collect an
3-34 assessment for any purpose authorized by this chapter in all or any
3-35 part of the district regardless of whether the part of the district
3-36 where the assessment is to be imposed is subject to an assessment
3-37 previously imposed by the board.

3-38 SECTION 15. Subchapter D, Chapter 3901, Special District
3-39 Local Laws Code, is amended by adding Section 3901.209 to read as
3-40 follows:

3-41 Sec. 3901.209. AUDIT EXEMPTION. (a) The district may
3-42 elect to complete an annual financial report in lieu of an annual
3-43 audit under Section 375.096(a)(6), Local Government Code, if:

3-44 (1) the district had no bonds or other long-term (more
3-45 than one year) liabilities outstanding during the fiscal period;

3-46 (2) the district did not have gross receipts from
3-47 operations, loans, taxes, assessments, or contributions in excess
3-48 of \$250,000 during the fiscal period; and

3-49 (3) the district's cash and temporary investments were
3-50 not in excess of \$250,000 during the fiscal period.

3-51 (b) Each annual financial report prepared in accordance
3-52 with this section must be open to public inspection and accompanied
3-53 by an affidavit signed by a duly authorized representative of the
3-54 district attesting to the accuracy and authenticity of the
3-55 financial report.

3-56 (c) The annual financial report and affidavit shall be
3-57 substantially similar in form to the annual financial report and
3-58 affidavit forms prescribed by the executive director of the Texas
3-59 Commission on Environmental Quality under Section 49.198, Water
3-60 Code.

3-61 SECTION 16. The change in law made by Section 3901.054,
3-62 Special District Local Laws Code, as added by this Act, does not
3-63 affect the entitlement of a member serving on the board of directors
3-64 of the Bridgeland Management District immediately before the
3-65 effective date of this Act to continue to carry out the board's
3-66 functions for the remainder of the member's term. The change in law
3-67 applies only to a member elected on or after the effective date of
3-68 this Act.

3-69 SECTION 17. (a) The legal notice of the intention to

4-1 introduce this Act, setting forth the general substance of this
4-2 Act, has been published as provided by law, and the notice and a
4-3 copy of this Act have been furnished to all persons, agencies,
4-4 officials, or entities to which they are required to be furnished
4-5 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4-6 Government Code.

4-7 (b) The governor, one of the required recipients, has
4-8 submitted the notice and Act to the Texas Commission on
4-9 Environmental Quality.

4-10 (c) The Texas Commission on Environmental Quality has filed
4-11 its recommendations relating to this Act with the governor, the
4-12 lieutenant governor, and the speaker of the house of
4-13 representatives within the required time.

4-14 (d) All requirements of the constitution and laws of this
4-15 state and the rules and procedures of the legislature with respect
4-16 to the notice, introduction, and passage of this Act are fulfilled
4-17 and accomplished.

4-18 SECTION 18. This Act takes effect immediately if it
4-19 receives a vote of two-thirds of all the members elected to each
4-20 house, as provided by Section 39, Article III, Texas Constitution.
4-21 If this Act does not receive the vote necessary for immediate
4-22 effect, this Act takes effect September 1, 2015.

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