

BILL ANALYSIS

C.S.H.B. 4282
By: Bell
Special Purpose Districts
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Continued growth and development in the Southwest Montgomery County Improvement District has created the need for improvements and updates in the law relating to the district. C.S.H.B. 4282 seeks to provide these improvements and updates, including changing the district's name to the Westwood Magnolia Parkway Improvement 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

C.S.H.B. 4282 amends Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, to revise provisions relating to the Southwest Montgomery County Improvement District. The bill renames the district as the Westwood Magnolia Parkway Improvement District. The bill revises provisions relating to the purposes of the district's creation and revises the district's territory. The bill decreases from 11 directors to five directors the number of directors on the district's board, provides for the transition to the new number of directors in a provision expiring January 2, 2025, and makes related changes to the governance and operation of the board.

C.S.H.B. 4282 revises provisions relating to authorized improvement projects and sets out provisions relating to tax and assessment abatements, disbursements and transfers of district money, money used for improvements or services, a petition required for financing services and improvements with assessments, assessments and liens for assessments, development corporation powers, a nonprofit corporation, agreements and grants, membership in charitable organizations, economic development programs, eligibility for inclusion in special zones, and authority to borrow money. The bill sets out provisions relating to the district's maximum sales and use tax rate in certain areas with overlapping local sales and use taxes and expands to any source of district money the sources from which district bonds may be secured and made payable. The bill repeals provisions relating to the payment of expenses. The bill provides for the validation and confirmation of certain district actions and proceedings taken before the bill's effective date.

C.S.H.B. 4282 repeals the following provisions of Chapter 323, Acts of the 78th Legislature, Regular Session, 2003:

- Section 4

- Section 10(b)
- Section 11
- Section 15
- Section 16
- Section 19
- Section 23

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4282 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 1(a), Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, is amended.

SECTION 1. Same as introduced version.

SECTION 2. Section 2, Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, is amended.

SECTION 2. Same as introduced version.

SECTION 3. Sections 3(a) and (b), Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, are amended.

SECTION 3. Same as introduced version.

SECTION 4. Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, is amended.

SECTION 4. Same as introduced version.

SECTION 5. Section 5, Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

SECTION 5. Section 5, Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

Sec. 5. FINDINGS RELATING TO BOUNDARIES. The boundaries and field notes of the district as described by Section 4A of this Act form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not in any way affect the district's:

Sec. 5. FINDINGS RELATING TO BOUNDARIES. The boundaries and field notes of the district as described by Section 4A of this Act form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not in any way affect the district's:

- (1) organization, existence, or validity;
- (2) right to enter any type of contract for **the** purpose for which the district is created;
- (3) right to impose or collect an assessment or tax; or
- (4) legality or operation.

- (1) organization, existence, or validity;
- (2) right to enter any type of contract for **a** purpose for which the district is created;
- (3) right to impose or collect an assessment or tax; or
- (4) legality or operation.

SECTION 6. Section 6(b), Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, is amended.

SECTION 6. Same as introduced version.

SECTION 7. Section 9, Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, is amended.

SECTION 7. Same as introduced version.

SECTION 8. Section 10(a), Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, is amended.

SECTION 8. Same as introduced version.

SECTION 9. Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, is amended.

SECTION 9. Same as introduced version.

SECTION 10. Section 13, Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, is amended.

SECTION 10. Same as introduced version.

SECTION 11. Section 18(b), Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, is amended.

SECTION 11. Same as introduced version.

SECTION 12. Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, is amended.

SECTION 12. Same as introduced version.

SECTION 13. Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, is amended.

SECTION 13. Same as introduced version.

SECTION 14. Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, is amended.

SECTION 14. Same as introduced version.

SECTION 15. Section 26(c), Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, is amended.

SECTION 15. Same as introduced version.

SECTION 16. Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, is amended.

SECTION 16. Same as introduced version.

SECTION 17. Section 28(c), Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, is amended.

SECTION 17. Same as introduced version.

SECTION 18. REPEAL. The following provisions of Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, are repealed:

SECTION 18. Same as introduced version.

- (1) Section 4;
- (2) Section 10(b);

- (3) Section 11;
- (4) Section 15;
- (5) Section 16;
- (6) Section 19; and
- (7) Section 23.

SECTION 19. (a) An elected or appointed director of the Westwood Magnolia Parkway Improvement District's board of directors who is serving on September 1, 2017, continues to serve until the expiration of the director's term. If the position of a director who is serving on that date subsequently becomes vacant before the expiration of the director's term, the vacancy shall be filled in the same manner as Section 10, Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, provided immediately before September 1, 2017.

(b) On the expiration of the terms of the directors who are continuing to serve on September 1, 2017, as described by Subsection (a) of this section, the county commissioner serving for County Commissioners Precinct No. 2 for the Montgomery County Commissioners Court shall appoint two members in the manner provided by Section 9, Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, as amended by this Act.

(c) This section expires January 2, 2025.

No equivalent provision, but see SECTION 19 above.

No equivalent provision, but see SECTION 19 below.

SECTION 19. (a) As soon as practicable after the effective date of this Act, each officer or governing body authorized to appoint a director of the Westwood Magnolia Parkway Improvement District's board of directors under Section 9(b), Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, as amended by this Act, shall appoint one or more directors to the board as provided by that section.

(b) The term of each elected or appointed director of the Westwood Magnolia Parkway Improvement District's board of directors who is serving on September 1, 2017, expires on the date all of the five directors appointed under Subsection (a) of this section have qualified.

(c) The directors appointed under Subsection (a) of this section shall draw lots to determine which two shall serve two-year terms and which three shall serve

four-year terms.

(d) This section expires January 2, 2025.

SECTION 20. (a) The legislature validates and confirms all acts and proceedings of the board of directors of the Westwood Magnolia Parkway Improvement District that were taken before the effective date of this Act.

(b) Subsection (a) of this section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court; or

(2) has been held invalid by a final judgment of a court.

SECTION 20. Same as introduced version.

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

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

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

(d) All requirements of the constitution and 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 21. Same as introduced version.

SECTION 22. This Act takes effect September 1, 2017.

SECTION 22. Same as introduced version.