

BILL ANALYSIS

Senate Research Center
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H.B. 4714
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Intergovernmental Relations
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been suggested that changes are needed to the governing provisions of the Westwood Magnolia Parkway Improvement District so that the district can better serve its area. H.B. 4714 seeks to provide for such changes by setting out provisions relating to the powers, duties, and governance of the district.

H.B. 4714 amends current law relating to the powers, duties, and governance of the Westwood Magnolia Parkway Improvement District and provides authority to impose taxes and issue bonds.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 9(e) and (f), Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, as follows:

- (e) Requires a person, to be eligible to serve as a director, to be at least 18 years old and:
 - (1)–(5) makes no changes to these subdivisions;
 - (6) an appointee, rather than an agent, employee, officer, or director of any individual, corporation, trust, or partnership that owns or leases real property described by Subdivision (1), (2), (3), (4), or (5) of this subsection who is designated by the owner or lessee to serve as a director.
- (f) Prohibits a person from being appointed as a director under Subsection (b) of this section and from serving as a director if:
 - (1) the appointment would cause more than two directors to be appointees, employees, officers, or directors of the same individual, corporation, trust, or partnership that owns or leases property in the district, rather than the appointment would cause more than two members of the board to be an agent, employee, officer, or director of the same individual, corporation, trust, or partnership that owns or leases property in the district;
 - (2) the person serves on the board of directors of the same nonprofit organization as another district director; or
 - (3) the person serves on the board of directors of a homeowners or property owners association or chamber of commerce, rather than the proposed director serves on the board of directors of a nonprofit organization, such as a homeowners association or chamber of commerce, that serves any purpose similar to those of the district, including economic development, and serves a geographic territory that encompasses any part of the district.

SECTION 2. Amends Section 12, Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, as follows:

Sec. 12. New heading: SWORN STATEMENT, BOND, AND OATH OF OFFICE. Provides that each director is required to make a sworn statement, take the oath of office, and execute a bond as provided by Section 49.055, Water Code, rather than providing that a director is not required to execute a bond as required by Section 375.067, Local Government Code.

SECTION 3. Amends Section 22, Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, as follows:

Sec. 22. PUBLIC SECURITY. Provides that Section 49.216, Water Code, applies to the district. Deletes existing text prohibiting the district from employing peace officers, but is authorize to contract for off-duty peace officers to provide public safety and security services in connection with security needs in commercial office, retail, or industrial areas and in connection with a special event, holiday, or other period with high traffic congestion, or similar circumstance.

SECTION 4. Amends Sections 25(a) and (b), Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, as follows:

(a) Authorizes the board to add or exclude territory in the manner provided by Subchapter J, Chapter 49, and Section 54.0165, rather than Section 54.016, Water Code, except that:

(1) makes no changes to this subdivision;

(2) Section 42.0425, rather than Section 42.042, Local Government Code, and Section 54.0165, rather than Section 54.016, Water Code, apply only with respect to the consent of a municipality with a population of 25,000 or less and do not apply to the annexation of land restricted primarily to commercial or business use; and

(3) makes no changes to this subdivision.

(b) Provides that territory of the district that is annexed by a municipality for full purposes is no longer a part of the district effective on the date the municipality imposes a sales and use tax in the territory, rather than providing that territory of the district that is annexed by a municipality is no longer part of the district effective on the date the municipality imposes is authorized to impose a sales and use tax in the territory.

SECTION 5. Amends Section 29, Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, as follows:

Sec. 29. INTERLOCAL AGREEMENTS. (a) Authorizes the district and a local government as defined by Chapter 791 (Interlocal Cooperation Contracts), Government Code, rather than the district and a local municipality, any part of which is located in the boundaries of the district or impact area defined as provided by Section 17 of this Act, to enter into an interlocal agreement to:

(1) makes no changes to this subdivision; or

(2) provide for a facility, service, or equipment from the district for the benefit of the local government, rather than the municipality.

(b) Authorizes payment for an improvement project, facility, service, or equipment agreed to under this section to be made or pledged by a municipality to the district out of

any money the municipality collects under Chapter 351, Tax Code, or out of any other available money. Makes nonsubstantive changes.

SECTION 6. Amends Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, by adding Section 4B, to set forth the additional territory of the district.

SECTION 7. Amends Section 5, Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

Sec. 5. FINDINGS RELATING TO BOUNDARIES. Provides that the boundaries and field notes of the district as described by Sections 4A and 4B of this Act form a closure, rather than Section 4A of this Act form a closure.

SECTION 8. Provides that the changes in law made by this Act do not affect the entitlement of a member serving on the board of directors of the district immediately before the effective date of this Act to continue to serve as a member of the board for the remainder of the member's term.

SECTION 9. Provides that 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 10. Effective date: September 1, 2019.