

## **BILL ANALYSIS**

Senate Research Center  
87R14271 SMT-F

S.B. 2221  
By: Creighton  
Local Government  
4/26/2021  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Westwood Magnolia Parkway Improvement District (district) is an existing district in Montgomery County. This bill will make slight amendments to the powers and boundaries of the district.

WMPID, using sales tax revenue from the district, is an integral part in ensuring the responsible development of the area, primarily in decreasing traffic congestion. The majority of the areas being added to the boundaries of the district are near a large highway being constructed in conjunction with Montgomery County.

This bill makes minor changes (clean-up/revisions), adds territory to the district's boundaries that will greatly benefit from the current road projects, ensures the district will use its sales tax revenue to further provide for the area, provides further notice for rules adopted by the district and creates a misdemeanor to be able to best enforce those rules, provides the district with the ability to enter into strategic partnership agreements (to the extent allowed by a municipality under the Local Government Code), and provides a means of seating a director to the board of the district if one of the appointing entities refuses to otherwise do so.

As proposed, S.B. 2221 amends current law relating to the powers, duties, territory, and governance of the Westwood Magnolia Parkway Improvement District, and creates a criminal offense.

### **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 Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, by adding Section 4D, as follows:

Sec. 4D. ADDITIONAL DISTRICT TERRITORY. Provides that, in addition to the territory described by Sections 4A and 4B of this Act, the territory of the Westwood Magnolia Parkway Improvement District (district) includes certain described territory. Sets forth the boundaries of the territory.

SECTION 2. Amends Section 5, Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, as follows:

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

SECTION 3. Amends Section 10, Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, by adding Subsection (b), to authorize the board of directors of the district (board), if the board recommends at least three persons to fill a board vacancy and the vacancy remains on the 90th day after the date the board recommends the third person, to appoint a qualified person to

fill the position for the remainder of the unexpired term without the consent of the appointing entity.

SECTION 4. Amends Section 20, Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, by adding Subsections (c), (d), (e), (f), and (g), as follows:

(c) Authorizes a police officer, constable, sheriff, or other law enforcement officer with jurisdiction in the county to arrest a person violating rules of the board and carry out the prosecution of the person in the proper court.

(d) Provides that a person commits an offense if the person violates a rule adopted under this section. Provides that an offense under this section is a Class C misdemeanor.

(e) Authorizes the county attorney, district attorney, or criminal district attorney or an attorney retained by the board for this purpose to bring an action to enjoin a violation of board rules.

(f) Requires the board, once a week for two consecutive weeks, to publish a substantive statement of the rules and the penalty for violating the rules in one or more newspapers with general circulation in the area in which the district is located. Requires that the substantive statement be condensed as much as possible to explain the purpose to be accomplished or the act forbidden by the rules. Requires that the notice advise that a person who violates a rule is subject to a penalty and that the full text of the rules is on file in the principal office of the district or on the district's website.

(g) Prohibits a person, notwithstanding another provision of this section, from being arrested or prosecuted for an offense under this section before the date of the second publication required by Subsection (f) of this section.

SECTION 5. Amends Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, by adding Section 23F, as follows:

Sec. 23F. TRAFFIC IMPROVEMENTS. (a) Authorizes the district to enter into an agreement with the Texas Department of Transportation in the same manner as a municipality under Section 221.002 (Agreements with Municipalities), Transportation Code.

(b) Authorizes the district to exercise the powers of a local authority under Chapter 544 (Traffic Signs, Signals, and Markings), Transportation Code.

SECTION 6. Amends Section 25, Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, by adding Subsection (a-1), to authorize the board to select the municipality that is authorized to exercise authority in the district in the same manner that a municipal utility district is authorized to select a municipality under Section 54.0163 (Option of Selection of Extraterritorial Jurisdiction for Certain Districts), Water Code.

SECTION 7. Amends Section 29, Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Authorizes payment for an improvement project, facility, service, or equipment agreed to under this section to be made or pledged by a local government, rather than a municipality, to the district out of any money the local government, rather than the municipality, collects under Chapter 351 (Municipal Hotel Occupancy Taxes), Tax Code, or out of any other available money.

(c) Prohibits an interlocal agreement of the district from conflicting with Chapter 43 (Municipal Annexation), Local Government Code.

SECTION 8. Amends Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, by adding Section 29A, as follows:

Sec. 29A. STRATEGIC PARTNERSHIP AGREEMENTS. (a) Authorizes the district to enter into a strategic partnership agreement as provided by Section 43.0751 (Strategic Partnerships for Continuation of Certain Districts), Local Government Code, with a district defined by that section.

(b) Provides that, for the purposes of this section, a reference in Section 43.0751, Local Government Code, to a municipality means the district.

(c) Requires the district, if the district enters into an agreement under this section to annex territory for a limited purpose, to annex the territory in the manner provided by Section 25 of this Act.

(d) Provides that Section 375.282 (Strategic Partnership Agreement), Local Government Code, does not apply to the district.

SECTION 9. (a) 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 Westwood Magnolia Parkway Improvement District immediately before the effective date of this Act to continue to serve for the remainder of the member's term.

(b) Provides that the changes in law made by this Act apply only to a strategic partnership agreement entered into or renewed by the Westwood Magnolia Parkway Improvement District on or after the effective date of this Act. Provides that a strategic partnership agreement entered into or renewed by the Westwood Magnolia Parkway Improvement District before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 10. 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 11. Effective date: September 1, 2021.