

BILL ANALYSIS

Senate Research Center
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H.B. 5394
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Local Government
5/11/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Westwood Magnolia Parkway Improvement District (district) is located in Montgomery County, spanning approximately 1,840 acres. As a partnership between local governments and the state, the district is focused exclusively on local projects that directly benefit the businesses and community members living, working, and shopping in the area.

H.B. 5394 seeks to add approximately 1,150 additional acres to the district, as well as providing the district with the ability to enter into strategic partnership agreements to the extent allowed by the Local Government Code, and provides a means of seating a director to the board if one of the appointing entities refuses to otherwise do so.

The district is located partially within the ETJ of the cities of Conroe, Magnolia, and Stagecoach; all of which have no objection to the legislation.

H.B. 5394 amends current law relating to the powers, duties, territory, and governance of the Westwood Magnolia Parkway Improvement District.

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

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 certain sections, including Section 4D 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), as follows:

(b) Authorizes 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 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 5. Amends Section 25, Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, by adding Subsection (a-1), as follows:

(a-1) Authorizes 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 6. 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 Section 29 (Interlocal Agreements) to be made or pledged by a local government, rather than a municipality, to the district out of any money the local government collects under Chapter 351 (Municipal Hotel Occupancy Taxes), Tax Code, or out of any other available money. Makes a conforming change.

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

SECTION 7. 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 a reference in Section 43.0751, Local Government Code, for the purposes of this section, 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 (Change in District Territory) of this Act.

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

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

(b) Makes application of this Act prospective.

SECTION 9. Provides that all requirements of the constitution and the 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, 2023.