

BILL ANALYSIS

H.B. 4714
By: Bell, Cecil
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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.

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

H.B. 4714 amends Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, to revise provisions relating to the Westwood Magnolia Parkway Improvement District. The bill revises director qualification provisions to specify that a person may not be appointed as a director and may not serve as a director if:

- 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;
- the person serves on the board of directors of the same nonprofit organization as another district director; or
- the person serves on the board of directors of a homeowners or property owners association or chamber of commerce.

The bill replaces a provision establishing that a director is not required to execute a bond as required by specified Local Government Code provisions applicable to municipal management districts with a provision requiring each director to make a sworn statement, take the oath of office, and execute a bond as provided by specified Water Code provisions applicable to certain water districts. The bill does not affect the entitlement of a member serving on the district's board of directors immediately before the bill's effective date to continue to serve as a member of the board for the remainder of the member's term.

H.B. 4714 removes provisions prohibiting the district from employing peace officers but authorizing the district 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. The bill makes Water Code provisions relating to the

authority of certain water districts to contract for or employ peace officers applicable to the district instead.

H.B. 4714 revises provisions under which the district's board may add or exclude territory. The bill, with respect to a provision establishing that territory of the district that is annexed by a municipality is no longer a part of the district effective on the date the municipality may impose a sales and use tax in the territory, limits that provision to an annexation for full purposes and changes the effective date to the date the municipality imposes such a tax in the territory.

H.B. 4714 changes the entities with which the district may enter into an interlocal agreement from certain municipalities to any local government as defined by the Interlocal Cooperation Act. The bill adds specified territory to the district.

EFFECTIVE DATE

September 1, 2019.