

BILL ANALYSIS

H.B. 4648
By: Bell, Cecil
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that slight amendments to the powers and boundaries of the Westwood Magnolia Parkway Improvement District are needed for the district to better serve its area. The district plays an integral part in ensuring the responsible development of its area, primarily in decreasing traffic congestion, and a majority of the territory proposed to be added to the district is near a large highway being constructed in conjunction with Montgomery County. H.B. 4648 seeks to make these amendments to the district's governing legislation.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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. 4648 amends Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, to add described territory to the Westwood Magnolia Parkway Improvement District. The bill authorizes the district's board of directors, if it 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 appointing entity's consent.

H.B. 4648 authorizes a police officer, constable, sheriff, or other law enforcement officer with jurisdiction in Montgomery County to arrest a person violating board rules relating to the regulation of the private use of public roadways, open spaces, parks, sidewalks, and similar public areas and to carry out the prosecution of the person in the proper court. The bill creates a Class C misdemeanor offense for a person who violates such a rule. The bill 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. The bill 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 and prohibits the arrest or prosecution of a person for an offense before the date of the second publication. The substantive statement must be condensed as much as possible to explain the purpose to be accomplished or the act forbidden by the rules. The notice must 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 district's principal office or on the district's website.

H.B. 4648 authorizes the district to enter into certain agreements with the Texas Department of Transportation in the same manner as a municipality under specified Transportation Code provisions. The bill authorizes the district to exercise the powers of a local authority under Transportation Code provisions relating to traffic signs, signals, and markings.

H.B. 4648 prohibits an interlocal agreement of the district from conflicting with statutory municipal annexation provisions. The bill authorizes the district to enter into a strategic partnership agreement for the continuation of certain districts with an applicable district and sets out related provisions. The bill authorizes the board to select the municipality that may exercise authority in the district in the same manner as a municipal utility district's selection under specified Water Code provisions.

EFFECTIVE DATE

September 1, 2021.