

1-1 By: Creighton S.B. No. 2286
1-2 (In the Senate - Filed April 24, 2017; April 25, 2017, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; May 4, 2017, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 4, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Lucio	X		
1-9	Bettencourt	X		
1-10	Campbell	X		
1-11	Garcia	X		
1-12	Huffines	X		
1-13	Menéndez	X		
1-14	Taylor of Collin	X		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the powers, duties, and governance of the Westwood
1-18 Magnolia Parkway Improvement District; authorizing assessments.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 1(a), Chapter 323, Acts of the 78th
1-21 Legislature, Regular Session, 2003, is amended to read as follows:

1-22 (a) The Westwood Magnolia Parkway [~~Southwest Montgomery~~
1-23 ~~County~~] Improvement District is created as a special district in
1-24 Montgomery County under Section 59, Article XVI, Texas
1-25 Constitution.

1-26 SECTION 2. Section 2, Chapter 323, Acts of the 78th
1-27 Legislature, Regular Session, 2003, is amended to read as follows:

1-28 Sec. 2. DEFINITIONS. In this Act:

1-29 (1) "Board" means the board of directors of the
1-30 district.

1-31 (2) "Commission" means the Texas Commission on
1-32 Environmental Quality.

1-33 (3) "County" means Montgomery County, Texas.

1-34 (4) "District" means the Westwood Magnolia Parkway
1-35 [~~Southwest Montgomery County~~] Improvement District.

1-36 (5) [~~(4)~~] "Planned community" means a planned
1-37 community of 15,000 or more acres of land originally established
1-38 under the federal Urban Growth and New Community Development Act of
1-39 1970 (42 U.S.C. Section 4501 et seq.) that is subject to restrictive
1-40 covenants containing ad valorem based assessments.

1-41 SECTION 3. Sections 3(a) and (b), Chapter 323, Acts of the
1-42 78th Legislature, Regular Session, 2003, are amended to read as
1-43 follows:

1-44 (a) The creation of the district is essential to accomplish
1-45 the purposes of Sections [~~Section~~] 52 and 52-a, Article III, and
1-46 Section 59, Article XVI, Texas Constitution, and other public
1-47 purposes stated in this Act.

1-48 (b) The creation of the district is necessary to promote,
1-49 develop, encourage, and maintain employment, commerce, economic
1-50 development, and the public welfare in a the southwest portion of
1-51 Montgomery County.

1-52 SECTION 4. Chapter 323, Acts of the 78th Legislature,
1-53 Regular Session, 2003, is amended by adding Section 4A to read as
1-54 follows:

1-55 Sec. 4A. DISTRICT TERRITORY. The district's territory
1-56 includes the following described territory:

1-57 Reserves "A" and "D" and Lots 39-92 of Block 1, Lots 55-79 of
1-58 Block 5, Lot 4 of Block 7, and Lots 12-25 of Block 8 of Westwood One,
1-59 a subdivision of record in Cabinet B, Sheets 62A-64B, Map Records of
1-60 Montgomery County, Texas (M.C.M.R.);

1-61 Lots 1-48 and 69-81 of Block 1, Lots 1-3 of Block 3, Lots 1-4

2-1 of Block 4, Lots 1-4 of Block 5, Lots 1-5 of Block 6, Lots 1-5,
 2-2 31-35, 38-39, and 65 of Block 7, Lots 1-6 of Block 8, Lots 1-6 of
 2-3 Block 9, Lots 30-57 of Block 10, Lots 13-33 of Block 11, and Lots
 2-4 1-15 of Block 12 of Westwood Two, a subdivision of record in Cabinet
 2-5 B, Sheets 103A-107A, M.C.M.R.;
 2-6 Lots 38-85 of Block 1, Lots 38 and 39 of Block 6, Lots 1, 2,
 2-7 160, and 161 of Block 9, and Lots 1-33 of Block 12 of Westwood Three,
 2-8 a subdivision of record in Cabinet B, Sheets 157A-159A, M.C.M.R.;
 2-9 Lots 1-18 of Block 1 and Lots 1-10 of Block 9 of Westwood
 2-10 Four, a subdivision of record in Cabinet C, Sheets 25A-25B,
 2-11 M.C.M.R.;
 2-12 All of Reserves "A", "B", and "C" of Kroger Store No. 389, a
 2-13 subdivision of record under Cabinet V, Sheets 183 and 184,
 2-14 M.C.M.R.;
 2-15 All of Reserves "A" through "I" of West Village, a
 2-16 subdivision of record in Cabinet Z, Sheets 594-597, M.C.M.R.;
 2-17 Being all of the following tracts of land described as
 2-18 follows:
 2-19 TRACT ONE
 2-20 BEGINNING at the southwest corner of that certain called
 2-21 2.971 acre tract described as Tract I, in the deed from Hay S. Wong
 2-22 to Karen Lee Thornton, by instrument of record under File Number
 2-23 2003-148372, in the Official Public Records of Real Property of
 2-24 Montgomery County, Texas (M.C.O.P.R.R.P.), said point being on the
 2-25 north right-of-way line of FM 1488 (width varies);
 2-26 Thence, Northerly along the west line of said 2.971 acre
 2-27 tract, to the northwest corner of said 2.971 acre tract;
 2-28 Thence, Easterly along the north line of said 2.971 acre
 2-29 tract, the north line of the 2.926 acre tract described in the deed
 2-30 from Lillian F. Beaman, Trustee to Steven L. Crews, et ux., by
 2-31 instrument of record under File Number 2001-045818,
 2-32 M.C.O.P.R.R.P., the north line of the 0.975 acre tract described in
 2-33 the deed from Steven L. Crews, et al. to Thai Ocha, Inc., by
 2-34 instrument of record under File Number 2003-128027,
 2-35 M.C.O.P.R.R.P., the north line of the 1.72 acre tract described in
 2-36 the deed from Bow Toy to Daniel P. Morrison, M.D., by instrument of
 2-37 record under Volume 1163, Page 105, in the Deed Records of
 2-38 Montgomery County, Texas, the north line of the 2.897 acre tract
 2-39 described in the deed from Bow Toy, et ux., to Mary Anna Toy, by
 2-40 instrument of record under File Number 9110997, M.C.O.P.R.R.P., the
 2-41 north line of the 1.433 acre tract described as Tract I in the deed
 2-42 from Theresa C. Queng to See Yeut Ming, by instrument of record
 2-43 under File Number 2005-037291, M.C.O.P.R.R.P., the north line of
 2-44 the 0.5730 acre tract described in the deed from David Lee to 1488
 2-45 Del Sul Investments, by instrument of record under File Number
 2-46 2005-023510, M.C.O.P.R.R.P., the north line of the 0.5730 acre
 2-47 tract described in the deed from Mary Susan Botkin to 1488 Del Sul
 2-48 Investments, L.P., by instrument of record under File Number
 2-49 2004-123177, M.C.O.P.R.R.P., the north line of the 0.8626 acre
 2-50 tract described in the deed from Karen Lee Thornton, et al. to 1488
 2-51 Del Sul Investments, L.P., by instrument of record under File
 2-52 Number 2004-129630, M.C.O.P.R.R.P., the north line of Lot C-3
 2-53 described in the deed from The Estate of Richard Lee to Karen Lee
 2-54 Thornton, by instrument of record under File Number 99012443,
 2-55 M.C.O.P.R.R.P., the north line of the 1.0 acre tract described in
 2-56 the deed from Michael R. Pugh, et al. to CHBC Inc., by instrument of
 2-57 record under File Number 2001-104753, M.C.O.P.R.R.P., the north
 2-58 line of the 1.00 acre tract described in the deed from Michael R.
 2-59 Pugh, et al. to George D. Cowger, et ux., by instrument of record
 2-60 under File Number 9755259, M.C.O.P.R.R.P., and the north line of
 2-61 the 0.816 acre tract described in the deed from Michael R. Pugh, et
 2-62 al. to Dewaine Collom, by instrument of record under File Number
 2-63 9803155, M.C.O.P.R.R.P., to the northeast corner of said 0.816 acre
 2-64 tract, common to the northwest corner of Reserve "C" of Forest West,
 2-65 Section One, a subdivision of record under Cabinet P, Sheets
 2-66 156-158, Map Records of Montgomery County, Texas (M.C.M.R.);
 2-67 Thence, Southerly along the west line of said Reserve "C", to
 2-68 the southwest corner of said Reserve "C", to a point on the north
 2-69 right-of-way line of said F.M. 1488;

3-1 Thence, Westerly along the north right-of-way line of FM 1488
3-2 to the POINT OF BEGINNING.
3-3 TRACT TWO
3-4 All of the following described lands, BEGINNING at the
3-5 southeast corner of Reserve "B", of Forest West, Section One, a
3-6 subdivision of record under Cabinet P, Sheets 156-158, Map Records
3-7 of Montgomery County, Texas (M.C.M.R.);
3-8 Thence, Northerly along the most southerly east line of said
3-9 Reserve "B" to the most southerly southwest corner of Windcrest
3-10 Estates, Section One, a subdivision of record under Cabinet H,
3-11 Sheets 195A-1958, M.C.M.R.;
3-12 Thence, Easterly along the south line of said Windcrest
3-13 Estates, Section One, to the southeast corner of said Windcrest
3-14 Estates, Section One, said point being on the west right-of-way
3-15 line of Honea-Egypt Road (width varies) (FM 2978);
3-16 Thence, along said west right-of-way line of said Honea-Egypt
3-17 Road to the intersection of the west right-of-way line of said
3-18 Honea-Egypt Road and the north right-of-way line of FM 1488 (width
3-19 varies);
3-20 Thence, Westerly along the north right-of-way line of FM 1488
3-21 to the POINT OF BEGINNING.
3-22 TRACT THREE
3-23 Being a 1.961 acre tract (calculated) being all of that
3-24 certain called 0.254 acre Restricted Commercial Reserve "A" of
3-25 Powell Plaza 111, a subdivision of record in Cabinet Z, Sheets 805,
3-26 Map Records of Montgomery County, Texas (M.C.M.R.), and being a
3-27 portion of that certain 1.168 (tract 1) and 0.9880 (tract 2)
3-28 described in the deed dated July 17, 2003, conveyed from Toby Powell
3-29 and wife, Vanessa Powell to Powell Plaza, L.L.C. by an instrument of
3-30 record under File Number 2003-088540, M.C.O.P.R.R.P., more
3-31 particularly described as follows:
3-32 BEGINNING at the southeast corner of said 0.9880 acre tract,
3-33 said point being the southwest corner of the residue of that certain
3-34 called 0.4848 acre tract conveyed to First Bank of Conroe, N.A. by
3-35 an instrument of record under File Number 2000-034432,
3-36 M.C.O.P.R.R.P.;
3-37 Thence, along the south line of said 0.9880 acre tract to the
3-38 southwest corner of said 0.9880 acre tract, said point being on the
3-39 east line of said 1.168 acre tract;
3-40 Thence, along the east line of said 1.168 acre tract to the
3-41 southeast corner of said 1.168 acre tract;
3-42 Thence, along the south line of said 1.168 acre tract to the
3-43 southwest corner of said 1.168 acre tract, said point being on the
3-44 east line of Reserve "A" of West Village, a subdivision of record in
3-45 Cabinet Z, Sheet 594, M.C.M.R.;
3-46 Thence, along the west line of said 1.168 acre tract and the
3-47 east line of said Reserve "A" of said West Village subdivision to
3-48 the southerly right-of-way line of FM 1488 as described in File
3-49 Numbers 2005-088763 and 2006-120899, M.C.O.P.R.R.P.;
3-50 Thence, along the south right-of-way line of said FM 1488 as
3-51 described in File Number 2006-120899, M.C.O.P.R.R.P. to a point for
3-52 corner on the east line of said 0.9880 acre tract and the west line
3-53 of the aforementioned 0.4848 acre tract;
3-54 Thence, along the east line of said 0.9880 acre tract and the
3-55 west line of said 0.4848 acre tract to the POINT OF BEGINNING of the
3-56 herein described tract of land.
3-57 TRACT FOUR
3-58 Being a 11.79 acre tract of land, located in the Dickinson
3-59 Garrett Survey, A-225, Montgomery County, Texas, being all of
3-60 Tracts 1 and 2 of FOREST WEST (an unrecorded subdivision), more
3-61 particularly being and all of that certain called 7.998 acre tract
3-62 (described as all of Tract 2 and a portion of Tract 1 of said FOREST
3-63 WEST) conveyed from Magnolia Circle properties, LTD. to HEB Grocery
3-64 Company, LP by an instrument of record under Document Number
3-65 2015009422, of the Official Public Records of Real Property of
3-66 Montgomery County, Texas (M.C.O.P.R.) and a portion of that certain
3-67 called 6.164 acre tract (described as a portion of Tract 1 of said
3-68 FOREST WEST) conveyed from First American Residential, L.L.C to HEB
3-69 Grocery Company, LP by an instrument of record under Document

4-1 Number 2015000626, M.C.O.P.R., more particularly described by
 4-2 metes and bounds as follows (Bearings based on Texas Coordinate
 4-3 System, Central Zone, NAD83, 1993 Adjustment):

4-4 COMMENCING at the north end of the northwest right-of-way
 4-5 cutback corner at the intersection of Farm To Market 1488 (FM 1488)
 4-6 (150' wide), as described under Volume 381, Page 489-491, of the
 4-7 Deed Records of Montgomery County, Texas and File Number
 4-8 2007-090725, of the Official Public Records of Real Property of
 4-9 Montgomery County, Texas, and Magnolia Circle (60' wide), said
 4-10 point being the northerly southeast corner of said 6.164 acre
 4-11 tract;

4-12 Thence, North 03° 19' 15" West, along the east line of said
 4-13 6.164 acre tract, common to the west line of said Magnolia Circle
 4-14 Drive, 179.89 feet to the southeast corner and POINT OF BEGINNING of
 4-15 the herein described tract, said point being the common east corner
 4-16 of said Tract 1 and Tract "A" of the aforesaid FOREST WEST;

4-17 Thence, South 89° 48' 46" West, departing the east line of
 4-18 said 6.164 acre tract and along the common line of said Tract "A"
 4-19 and Tract 1, 519.00 feet to an angle point on the west line of said
 4-20 6.164 acre tract, said point being the common west corner of said
 4-21 Tract "A" and Tract 1, said point being the southwest corner of the
 4-22 herein described tract;

4-23 Thence, North 03° 19' 15" West, along the west line of said
 4-24 6.164 acre tract, common to the west line of aforesaid Tract 1, at
 4-25 304.51 feet pass the common west corner of said 6.164 acre tract and
 4-26 the aforesaid 7.998 acre tract, continuing along the west line of
 4-27 said 7.998 acre tract, at 556.51 feet pass the common west corner of
 4-28 said Tract 1 and the aforesaid Tract 2, continuing along the west
 4-29 line of said 7.998 acre tract, common to the west line of said Tract
 4-30 2 in all a total distance of 976.81 feet to the northwest corner of
 4-31 the herein described tract, the northwest corner of said 7.998 acre
 4-32 tract, and the common west corner of said Tract 2 and Tract 3 of
 4-33 aforesaid FOREST WEST, said Tract 3 being all of that certain called
 4-34 15.000 acre tract (described as Tract Two) conveyed from Issa S.
 4-35 Fallaha to Rima Fallaha by an instrument of record under File Number
 4-36 99097061, M.C.O.P.R.R.P.;

4-37 Thence, North 86° 40' 45" East, along the north line of said
 4-38 7.998 acre tract, the south line of said 15.000 acre tract, and
 4-39 along the common line of said Tract 2 and said Tract 3, 518.20 feet
 4-40 to the northeast corner of the herein described tract, the
 4-41 northeast corner of said 7.998 acre tract, the southeast corner of
 4-42 said 15.000 acre tract, and the common east corner of said Tract 2
 4-43 and Tract 3, said point being on the west right-of-way line of
 4-44 aforesaid Magnolia Circle;

4-45 Thence, South 03° 19' 15" East, along the east line of said
 4-46 7.998 acre tract, common to the east line of said Tract 2, and said
 4-47 west right-of-way line, at 420.41 feet pass the common east corner
 4-48 of said Tract 1 and Tract 2, continuing along the east line of said
 4-49 7.998 acre tract, common to said west right-of-way line and the east
 4-50 line of said Tract 1, in all a total distance of 672.30 feet to the
 4-51 common east corner of said 7.998 acre tract and the aforesaid 6.164
 4-52 acre tract;

4-53 Thence, South 03° 19' 29" East, along the east line of said
 4-54 6.164 acre tract, common to the east line of said Tract 1 and the
 4-55 west right-of-way line of said Magnolia Circle, 332.88 feet to the
 4-56 POINT OF BEGINNING of the herein described tract and containing
 4-57 11.79 acres of land, more or less.

4-58 SECTION 5. Section 5, Chapter 323, Acts of the 78th
 4-59 Legislature, Regular Session, 2003, is amended to read as follows:

4-60 Sec. 5. FINDINGS RELATING TO BOUNDARIES. The boundaries
 4-61 and field notes of the district as described by Section 4A of this
 4-62 Act form a closure. A mistake in the field notes or in copying the
 4-63 field notes in the legislative process does not in any way affect
 4-64 the district's:

- 4-65 (1) organization, existence, or validity;
 4-66 (2) right to enter any type of contract for a purpose
 4-67 for which the district is created;
 4-68 (3) right to impose or collect an assessment or tax; or
 4-69 (4) legality or operation.

5-1 SECTION 6. Section 6(b), Chapter 323, Acts of the 78th
5-2 Legislature, Regular Session, 2003, is amended to read as follows:

5-3 (b) All land and other property in the district will benefit
5-4 from the improvements and services to be provided by the district
5-5 under powers conferred by Sections ~~[Section]~~ 52 and 52-a, Article
5-6 III, and Section 59, Article XVI, Texas Constitution, and other
5-7 powers granted under this Act.

5-8 SECTION 7. Section 9, Chapter 323, Acts of the 78th
5-9 Legislature, Regular Session, 2003, is amended to read as follows:

5-10 Sec. 9. BOARD OF DIRECTORS. (a) Except as provided by this
5-11 section ~~[Section 14 of this Act]~~, the district is governed by a
5-12 board of five [11] directors who serve staggered terms of four years
5-13 with two or three directors' terms expiring on June 1 of each
5-14 odd-numbered year.

5-15 (b) ~~[Except as provided by Section 14 of this Act, six~~
5-16 ~~directors are elected by the voters of the district at large.]~~ Five
5-17 directors are appointed as follows from persons recommended by the
5-18 board:

5-19 (1) two directors appointed by the county commissioner
5-20 of County Commissioners Precinct No. 2 ~~[one director appointed by~~
5-21 ~~the governing body of the City of Magnolia];~~

5-22 (2) ~~[one director appointed by the governing body of~~
5-23 ~~the City of Stagecoach,~~

5-24 ~~[-3-]]~~ one director appointed by the governing body of
5-25 the City of Conroe;

5-26 (3) ~~[-4-]]~~ one director appointed by the governing body
5-27 of the Magnolia Independent School District; and

5-28 (4) ~~[-5-]]~~ one director appointed by the county
5-29 commissioners court ~~[Montgomery County Commissioners Court].~~

5-30 (c) The board by resolution may change the number of
5-31 directors on the board if:

5-32 (1) the county commissioners court consents to the
5-33 change in the number of directors;

5-34 (2) the board determines that the change is in the best
5-35 interest of the district; and

5-36 (3) the board designates in the resolution a governing
5-37 body of a political subdivision of this state to appoint from
5-38 persons recommended by the board the director for a new director
5-39 position established under this subsection.

5-40 (d) The board may not consist of fewer than five or more than
5-41 nine directors.

5-42 (e) To be eligible to serve as a director, a person must be
5-43 at least 18 years old~~[, a resident of the district,]~~ and:

5-44 (1) an owner of real property in the district;

5-45 (2) an owner, whether beneficial or otherwise, of at
5-46 least 10 percent of the outstanding stock of a corporate owner of
5-47 real property in the district or of a corporate lessee of real
5-48 property in the district with a lease term of five years or more
5-49 measured from the date of appointment or election, excluding
5-50 options;

5-51 (3) an owner of at least 10 percent of the beneficial
5-52 interest in a trust that:

5-53 (A) owns real property in the district; or

5-54 (B) leases real property in the district under an
5-55 original lease term of five years or more measured from the date of
5-56 appointment or election, excluding options;

5-57 (4) a lessee of real property in the district under an
5-58 original lease term of five years or more, excluding options;

5-59 (5) an owner of at least 10 percent of the outstanding
5-60 interest in a general or limited partnership that:

5-61 (A) owns real property in the district; or

5-62 (B) leases real property in the district under an
5-63 original lease term of five years or more measured from the date of
5-64 appointment or election, excluding options; or

5-65 (6) an agent, employee, officer, or director of any
5-66 individual, corporation, trust, or partnership that owns or leases
5-67 real property described by Subdivision (1), (2), (3), (4), or (5) of
5-68 this subsection who is designated by the owner or lessee to serve as
5-69 a director.

6-1 (f) [~~(d)~~] A person may not be appointed as a director under
6-2 Subsection (b) of this section if:

6-3 (1) the appointment would cause more than two [~~three~~]
6-4 members of the board to be an agent, employee, officer, or director
6-5 of the same individual, corporation, trust, or partnership that
6-6 owns or leases property in the district; or

6-7 (2) the proposed director serves on the board of
6-8 directors of a nonprofit organization, such as a homeowners
6-9 association or chamber of commerce, that serves any purpose similar
6-10 to those of the district, including economic development, and
6-11 serves a geographic territory that encompasses any part of the
6-12 district.

6-13 SECTION 8. Section 10(a), Chapter 323, Acts of the 78th
6-14 Legislature, Regular Session, 2003, is amended to read as follows:

6-15 (a) A vacancy in an appointed position is filled for the
6-16 remainder of the unexpired term by the appointment of a person
6-17 recommended by the board made by the entity that made the original
6-18 appointment. [A vacancy in an elected position is filled by the
6-19 remaining members of the board for the unexpired term.]

6-20 SECTION 9. Chapter 323, Acts of the 78th Legislature,
6-21 Regular Session, 2003, is amended by adding Sections 11A and 11B to
6-22 read as follows:

6-23 Sec. 11A. QUORUM. For purposes of determining a quorum of
6-24 the board, the following are not counted:

6-25 (1) a board position vacant for any reason, including
6-26 death, resignation, or disqualification; or

6-27 (2) a director who is abstaining from participation in
6-28 a vote because of a conflict of interest.

6-29 Sec. 11B. COMPENSATION. A director is entitled to receive
6-30 fees of office and reimbursement for actual expenses as provided by
6-31 Section 49.060, Water Code. Sections 375.069 and 375.070, Local
6-32 Government Code, do not apply to the board.

6-33 SECTION 10. Section 13, Chapter 323, Acts of the 78th
6-34 Legislature, Regular Session, 2003, is amended to read as follows:

6-35 Sec. 13. REMOVAL OF DIRECTOR. On petition of at least
6-36 two-thirds of the remaining directors, a governing body or person
6-37 that appointed a director to the [The] board, after notice and
6-38 hearing, may remove the [a] director for:

6-39 (1) misconduct;

6-40 (2) [or] failure to carry out the director's duties;

6-41 or

6-42 (3) failure to attend three consecutive meetings [by
6-43 vote of not less than 75 percent of the remaining directors].

6-44 SECTION 11. Section 18(b), Chapter 323, Acts of the 78th
6-45 Legislature, Regular Session, 2003, is amended to read as follows:

6-46 (b) A project authorized under this section may include:

6-47 (1) landscaping, lighting, banners, signs, streets or
6-48 sidewalks, hike and bike paths and trails, pedestrian walkways,
6-49 skywalks, crosswalks or tunnels, and highway right-of-way or
6-50 transit corridor beautification and improvements;

6-51 (2) drainage or storm water detention improvements and
6-52 solid waste, water, sewer, telecommunications infrastructure, or
6-53 power facilities and services, including electrical, gas, steam,
6-54 and chilled water facilities;

6-55 (3) parks, lakes, gardens, recreational facilities,
6-56 open space, scenic areas, and related exhibits and preserves,
6-57 fountains, plazas, and pedestrian malls, public art and sculpture
6-58 and related exhibits and facilities, and educational and cultural
6-59 exhibits and facilities;

6-60 (4) conferences, conventions, or exhibitions,
6-61 manufacturer, consumer, or trade shows, civic, community, or
6-62 institutional events, exhibits, displays, attractions and
6-63 facilities for special events, holidays, and seasonal or cultural
6-64 celebrations;

6-65 (5) off-street parking facilities, bus terminals,
6-66 heliports, mass-transit, and roadway-borne or water-borne
6-67 transportation and people-mover systems; and

6-68 (6) any other public improvements, facilities, or
6-69 services authorized under this Act or Chapter 375, Local Government

7-1 Code [similar to the projects described in this subsection].

7-2 SECTION 12. Chapter 323, Acts of the 78th Legislature,
7-3 Regular Session, 2003, is amended by adding Sections 19A, 19B, 19C,
7-4 19D, and 19E to read as follows:

7-5 Sec. 19A. TAX AND ASSESSMENT ABATEMENTS. The district may
7-6 designate reinvestment zones and may grant abatements of district
7-7 taxes or assessments on property within such zones.

7-8 Sec. 19B. DISBURSEMENTS AND TRANSFERS OF MONEY. The board
7-9 by resolution shall establish the number of directors' signatures
7-10 and the procedure required for a disbursement or transfer of
7-11 district money.

7-12 Sec. 19C. MONEY USED FOR IMPROVEMENTS OR SERVICES. The
7-13 district may acquire, construct, finance, operate, or maintain any
7-14 improvement or service authorized under this Act or Chapter 375,
7-15 Local Government Code, using any money available to the district.

7-16 Sec. 19D. PETITION REQUIRED FOR FINANCING SERVICES AND
7-17 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
7-18 service or improvement project with assessments under this Act
7-19 unless a written petition requesting that service or improvement
7-20 has been filed with the board.

7-21 (b) A petition filed under Subsection (a) of this section
7-22 must be signed by the owners of a majority of the assessed value of
7-23 real property in the district subject to assessment according to
7-24 the most recent certified tax appraisal roll for the county.

7-25 Sec. 19E. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The
7-26 board by resolution may impose and collect an assessment for any
7-27 purpose authorized by this Act in all or any part of the district.

7-28 (b) An assessment, a reassessment, or an assessment
7-29 resulting from an addition to or correction of the assessment roll
7-30 by the district, penalties and interest on an assessment or
7-31 reassessment, an expense of collection, and reasonable attorney's
7-32 fees incurred by the district:

7-33 (1) are a first and prior lien against the property
7-34 assessed;

7-35 (2) are superior to any other lien or claim other than
7-36 a lien or claim for county, school district, or municipal ad valorem
7-37 taxes; and

7-38 (3) are the personal liability of and a charge against
7-39 the owners of the property even if the owners are not named in the
7-40 assessment proceedings.

7-41 (c) The lien is effective from the date of the board's
7-42 resolution imposing the assessment until the date the assessment is
7-43 paid. The board may enforce the lien in the same manner that the
7-44 board may enforce an ad valorem tax lien against real property.

7-45 (d) The board may make a correction to or deletion from the
7-46 assessment roll that does not increase the amount of assessment of
7-47 any parcel of land without providing notice and holding a hearing in
7-48 the manner required for additional assessments.

7-49 SECTION 13. Chapter 323, Acts of the 78th Legislature,
7-50 Regular Session, 2003, is amended by adding Sections 23A, 23B, 23C,
7-51 23D, and 23E to read as follows:

7-52 Sec. 23A. DEVELOPMENT CORPORATION POWERS. The district,
7-53 using money available to the district, may exercise the powers
7-54 given to a development corporation under Chapter 505, Local
7-55 Government Code, including the power to own, operate, acquire,
7-56 construct, lease, improve, or maintain a project that may be
7-57 undertaken in accordance with that chapter.

7-58 Sec. 23B. NONPROFIT CORPORATION. (a) The board by
7-59 resolution may authorize the creation of a nonprofit corporation to
7-60 assist and act for the district in implementing a project or
7-61 providing a service authorized by this Act.

7-62 (b) The nonprofit corporation:

7-63 (1) has each power of and is considered to be a local
7-64 government corporation created under Subchapter D, Chapter 431,
7-65 Transportation Code; and

7-66 (2) may implement any project and provide any service
7-67 authorized by this Act.

7-68 (c) The board shall appoint the board of directors of the
7-69 nonprofit corporation. The board of directors of the nonprofit

8-1 corporation shall serve in the same manner as the board of directors
8-2 of a local government corporation created under Subchapter D,
8-3 Chapter 431, Transportation Code, except that a board member is not
8-4 required to reside in the district.

8-5 Sec. 23C. AGREEMENTS; GRANTS. (a) As provided in Chapter
8-6 375, Local Government Code, the district may make an agreement with
8-7 or accept a gift, grant, or loan from any person.

8-8 (b) The implementation of a project is a governmental
8-9 function or service for the purposes of Chapter 791, Government
8-10 Code.

8-11 Sec. 23D. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
8-12 district may join and pay dues to a charitable or nonprofit
8-13 organization that performs a service or provides an activity
8-14 consistent with the furtherance of a district purpose.

8-15 Sec. 23E. ECONOMIC DEVELOPMENT PROGRAMS. (a) The district
8-16 may engage in activities that accomplish the economic development
8-17 purposes of the district.

8-18 (b) The district may establish and provide for the
8-19 administration of one or more programs to promote state or local
8-20 economic development and to stimulate business and commercial
8-21 activity in the district, including programs to:

- 8-22 (1) make loans and grants of public money; and
- 8-23 (2) provide district personnel and services.

8-24 (c) The district may create economic development programs
8-25 and exercise the economic development powers provided to
8-26 municipalities by:

- 8-27 (1) Chapter 380, Local Government Code; and
- 8-28 (2) Subchapter A, Chapter 1509, Government Code.

8-29 SECTION 14. Chapter 323, Acts of the 78th Legislature,
8-30 Regular Session, 2003, is amended by adding Section 25A to read as
8-31 follows:

8-32 Sec. 25A. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES. All
8-33 or any part of the area of the district is eligible to be included
8-34 in:

- 8-35 (1) a tax increment reinvestment zone created under
8-36 Chapter 311, Tax Code;
- 8-37 (2) a tax abatement reinvestment zone created under
8-38 Chapter 312, Tax Code;
- 8-39 (3) an enterprise zone created under Chapter 2303,
8-40 Government Code; or
- 8-41 (4) an industrial district created under Chapter 42,
8-42 Local Government Code.

8-43 SECTION 15. Section 26(c), Chapter 323, Acts of the 78th
8-44 Legislature, Regular Session, 2003, is amended to read as follows:

8-45 (c) The district may adopt, reduce, or repeal the limited
8-46 sales and use tax authorized by this section at an election in which
8-47 a majority of the voters of the district voting in the election
8-48 approve the adoption or the abolition of the tax, as applicable.
8-49 The board may set the tax at any rate of up to two percent in
8-50 increments of one-eighth of one percent except that the tax may not
8-51 be imposed at a rate that would cause the combined tax rate of all
8-52 local sales and use taxes in any location in the district to exceed
8-53 two percent. If as a result of the imposition or increase in a sales
8-54 and use tax by the district in an area in which there is located all
8-55 or part of a political subdivision that has adopted a sales and use
8-56 tax or as a result of the annexation by the district of all or part
8-57 of the territory in a political subdivision that has adopted a sales
8-58 and use tax the overlapping local sales and use taxes in the area
8-59 will exceed a total of two percent, the district's sales and use tax
8-60 is automatically reduced in that area to a rate that when added to
8-61 the combined rate of local sales and use taxes will equal two
8-62 percent.

8-63 SECTION 16. Chapter 323, Acts of the 78th Legislature,
8-64 Regular Session, 2003, is amended by adding Section 27A to read as
8-65 follows:

8-66 Sec. 27A. AUTHORITY TO BORROW MONEY. The district may
8-67 borrow money on terms as determined by the board. Section 375.205,
8-68 Local Government Code, does not apply to a loan, line of credit, or
8-69 other borrowing from a bank or financial institution secured by

9-1 revenue other than ad valorem taxes.

9-2 SECTION 17. Section 28(c), Chapter 323, Acts of the 78th
 9-3 Legislature, Regular Session, 2003, is amended to read as follows:

9-4 (c) To pay for any district purpose authorized by law, and
 9-5 in [in] addition to the sources of money described by Subchapter J,
 9-6 Chapter 375, Local Government Code, the bonds of the district may be
 9-7 secured and made payable, wholly or partly, by a pledge of any part
 9-8 of any source of money for the district, including:

9-9 (1) sales and use taxes;

9-10 (2) assessments;

9-11 (3) impact fees;

9-12 (4) revenue;

9-13 (5) contract payments; or

9-14 (6) grants [~~the net proceeds the district receives~~
 9-15 ~~from a specified portion of the sales and use tax authorized by this~~
 9-16 ~~Act~~].

9-17 SECTION 18. REPEAL. The following provisions of Chapter
 9-18 323, Acts of the 78th Legislature, Regular Session, 2003, are
 9-19 repealed:

9-20 (1) Section 4;

9-21 (2) Section 10(b);

9-22 (3) Section 11;

9-23 (4) Section 15;

9-24 (5) Section 16;

9-25 (6) Section 19; and

9-26 (7) Section 23.

9-27 SECTION 19. (a) An elected or appointed director of the
 9-28 Westwood Magnolia Parkway Improvement District's board of
 9-29 directors who is serving on September 1, 2017, continues to serve
 9-30 until the expiration of the director's term. If the position of a
 9-31 director who is serving on that date subsequently becomes vacant
 9-32 before the expiration of the director's term, the vacancy shall be
 9-33 filled in the same manner as Section 10, Chapter 323, Acts of the
 9-34 78th Legislature, Regular Session, 2003, provided immediately
 9-35 before September 1, 2017.

9-36 (b) On the expiration of the terms of the directors who are
 9-37 continuing to serve on September 1, 2017, as described by
 9-38 Subsection (a) of this section, the county commissioner serving for
 9-39 County Commissioners Precinct No. 2 for the Montgomery County
 9-40 Commissioners Court shall appoint two members in the manner
 9-41 provided by Section 9, Chapter 323, Acts of the 78th Legislature,
 9-42 Regular Session, 2003, as amended by this Act.

9-43 (c) This section expires January 2, 2025.

9-44 SECTION 20. (a) The legislature validates and confirms all
 9-45 acts and proceedings of the board of directors of the Westwood
 9-46 Magnolia Parkway Improvement District that were taken before the
 9-47 effective date of this Act.

9-48 (b) Subsection (a) of this section does not apply to any
 9-49 matter that on the effective date of this Act:

9-50 (1) is involved in litigation if the litigation
 9-51 ultimately results in the matter being held invalid by a final
 9-52 judgment of a court; or

9-53 (2) has been held invalid by a final judgment of a
 9-54 court.

9-55 SECTION 21. (a) The legal notice of the intention to
 9-56 introduce this Act, setting forth the general substance of this
 9-57 Act, has been published as provided by law, and the notice and a
 9-58 copy of this Act have been furnished to all persons, agencies,
 9-59 officials, or entities to which they are required to be furnished
 9-60 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 9-61 Government Code.

9-62 (b) The governor, one of the required recipients, has
 9-63 submitted the notice and Act to the Texas Commission on
 9-64 Environmental Quality.

9-65 (c) The Texas Commission on Environmental Quality has filed
 9-66 its recommendations relating to this Act with the governor, the
 9-67 lieutenant governor, and the speaker of the house of
 9-68 representatives within the required time.

9-69 (d) All requirements of the constitution and laws of this

10-1 state and the rules and procedures of the legislature with respect
10-2 to the notice, introduction, and passage of this Act are fulfilled
10-3 and accomplished.

10-4 SECTION 22. This Act takes effect September 1, 2017.

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