

By: Keough

H.B. No. 4149

A BILL TO BE ENTITLED

AN ACT

relating to the powers, operations, and boundaries of The Woodlands Township; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 5(b), Chapter 289, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(b) The legislature finds that the creation of the district is essential to further the public purposes of the economic development and diversification of the state, the elimination of unemployment and underemployment, and the stimulation and development of transportation and commerce; that it is in the public interest; and that it will promote the health, safety, and general welfare of residents, employers, employees, and consumers in the district and of the general public. The safe and efficient movement of people by motor vehicle, rail, trolley, bus, bicycle, pedestrian means, waterborne vessel, or other means of transportation is a public purpose of the district. The present and prospective traffic congestion in the district and the safety of pedestrians and the limited availability of funds require the promotion and development of public transportation and pedestrian facilities and systems by new and alternative means, and the district will serve the public purpose of securing expanded and improved transportation and pedestrian facilities and systems. The district will provide needed funding for the Town Center area to

1 preserve, maintain, and enhance the economic health and vitality of  
2 the area as a community and business and commerce center. The  
3 district will further promote the health, safety, welfare,  
4 education, convenience, and enjoyment of the public by improving,  
5 landscaping, and developing certain areas within and adjacent to  
6 the district and providing public services and facilities within  
7 and adjacent to the district which are necessary for the  
8 restoration, preservation, enhancement, and enjoyment of scenic  
9 and aesthetic beauty. Each and all of the improvement projects  
10 authorized by this Act are hereby found and declared to be essential  
11 to carrying out a public purpose. The district will not act as the  
12 agent or instrumentality of any private interests, even though many  
13 private interests will be benefited by the district as will the  
14 general public.

15 SECTION 2. Sections 7(t) and (v), Chapter 289, Acts of the  
16 73rd Legislature, Regular Session, 1993, are amended to read as  
17 follows:

18 (t) In order to promote business retention, sustain  
19 employment, and prevent substandard and blighted housing  
20 conditions, the district may:

21 (1) merge or consolidate with a qualified association  
22 to carry out a function described by this subsection;

23 (1-a) except as otherwise provided by this subsection  
24 and in the same manner as a qualified association, assume, accept an  
25 assignment of, succeed to, or contract to undertake, exercise, or  
26 perform:

27 (A) all or part of the rights, powers,

1 privileges, duties, responsibilities, assets, liabilities, and  
2 obligations of a qualified association under community covenants;

3 (B) any contracts, agreements, leases,  
4 commitments, loans, pledges, instruments of indebtedness, or other  
5 undertakings with any person, regardless of whether the person is a  
6 qualified association, in the exercise of the rights, powers,  
7 privileges, duties, or responsibilities described by Paragraph  
8 (A);

9 (C) the administration, enforcement, amendment,  
10 supplementation, repeal, revocation, or rescission of a community  
11 covenant as provided by the covenant; or

12 (D) the functions, duties, and responsibilities  
13 of the board of directors of a qualified association, without the  
14 necessity of electing or appointing members of the board of  
15 directors of the qualified association;

16 (2) administer and perform procedures established in a  
17 community covenant or a related agreement for the selection or  
18 appointment of members or officers to committees, village  
19 association governing bodies, or similar positions;

20 (3) arrange or contract with one or more  
21 municipalities, political subdivisions, or nonprofit organizations  
22 for the provision of services and facilities to all or part of the  
23 territory in or adjacent to the district that are substantially  
24 equivalent to the services or facilities provided by the district  
25 or a qualified association in the district, provided that the  
26 district may not transfer, assign, or abrogate responsibility for  
27 the administration or enforcement of any land use restrictions or

negative covenants included in a community covenant that apply to land in or adjacent to the district;

(4) own, acquire, construct, improve, repair, rehabilitate, operate, maintain, lease, purchase, sell, dispose of, encumber, abandon, or remove:

(A) any buildings, improvements, or facilities;  
or

(B) any real, personal, or mixed property; and

(5) assess, charge, collect, pledge, encumber, and apply any fees, rents, charges, or proceeds received for the use, enjoyment, or disposition of a building, improvement, facility, or property or for a service or facility.

(v) In this section:

(1) "Qualified association" means a nonprofit property owners' association created and operated by or in a planned community, as that term is defined by Section 43.0754, Local Government Code.

(2) "Community covenant" means recorded land use restrictions and covenants applicable to land in a planned community, as that term is defined by Section 43.0754, Local Government Code.

SECTION 3. Section 7, Chapter 289, Acts of the 73rd Legislature, Regular Session, 1993, is amended by adding Subsections (ee) and (ff) to read as follows:

(ee) The district is an "endorsing municipality" for the purposes of Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil

1 Statutes).

2 (ff) The district is entitled to receive a certified  
3 appraisal roll, an estimate of the taxable value of property in the  
4 district, and assistance in determining values of property in the  
5 district in the manner provided by Section 26.01, Tax Code, for a  
6 municipality.

7 SECTION 4. Section 7-a(c), Chapter 289, Acts of the 73rd  
8 Legislature, Regular Session, 1993, is amended to read as follows:

9 (c) A description of ~~[map or plat showing]~~ the boundaries of  
10 the district, as adjusted from time to time, shall be recorded in  
11 the real property records of each county in which all or part of the  
12 district is situated not later than the seventh day after the date  
13 of each such boundary adjustment. The boundaries of the district  
14 may be described by metes and bounds, plat, or reference to a  
15 previously recorded instrument.

16 SECTION 5. Chapter 289, Acts of the 73rd Legislature,  
17 Regular Session, 1993, is amended by adding Section 7I to read as  
18 follows:

19 Sec. 7I. TRANSPORTATION PROJECTS, FACILITIES, PROGRAMS,  
20 AND SERVICES. (a) The district may engage in or contract with  
21 another person to perform activities that accomplish the  
22 transportation and traffic movement purposes of the district,  
23 including the acquisition, analysis, construction, design,  
24 financing, investigation, implementation, improvement,  
25 maintenance, operation, ownership, planning, provision,  
26 relocation, repair, replacement, or study of improvement projects,  
27 facilities, programs, and services in the district and in areas

adjacent to the district for:

(1) mass transportation;

(2) parking;

(3) pedestrian movement;

(4) rail systems;

(5) traffic movement;

(6) transit terminals;

(7) waterborne transit; or

(8) other modes of transportation and mobility

enhancements that reduce congestion or promote or aid in the  
circulation of traffic and movement of people in the district and in  
areas adjacent to the district.

(b) The district may apply for and receive state and federal  
transportation funding, including grants or other assistance. The  
district has the rights associated with the funding and may carry  
out functions and perform obligations associated with the funding,  
as the designated recipient or otherwise.

(c) The district may contract for an improvement to a  
boundary highway and consent to the imposition of an assessment by a  
municipality in the manner provided by Sections [313.022](#) and  
[313.046](#), Transportation Code, for a municipality.

(d) The district may adopt and enforce by ordinary civil  
remedies rules regarding access to and use of the district's  
transportation projects, facilities, programs, and services.

(e) The district may charge a fare, fee, rate, toll, or  
other charge for the use of a district transportation project,  
facility, program, or service.

SECTION 6. The legislature finds that the powers, authority, and functions of the district authorized by this Act are essential and beneficial to the district and to the state as a whole as a program for promoting, facilitating, and accomplishing the public purposes of Section 52-a, Article III, Texas Constitution, by:

(1) promoting, sustaining, and advancing employment and economic diversification and development in the state;

(2) sustaining and stimulating business in the state;

(3) conserving and sustaining property values and living conditions in the state;

(4) promoting traffic circulation and public safety in the state;

(5) promoting the development of parks, recreational facilities, and cultural education in the state; and

(6) serving other purposes beneficial to the state.

SECTION 7. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor,

1 lieutenant governor, and speaker of the house of representatives  
2 within the required time.

3 (d) All requirements of the constitution and laws of this  
4 state and the rules and procedures of the legislature with respect  
5 to the notice, introduction, and passage of this Act are fulfilled  
6 and accomplished.

7 SECTION 8. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2015.