

By: Keough

H.B. No. 4149

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the powers, operations, and boundaries of The Woodlands
3 Township; authorizing a fee.

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

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

7 (b) The legislature finds that the creation of the district
8 is essential to further the public purposes of the economic
9 development and diversification of the state, the elimination of
10 unemployment and underemployment, and the stimulation and
11 development of transportation and commerce; that it is in the
12 public interest; and that it will promote the health, safety, and
13 general welfare of residents, employers, employees, and consumers
14 in the district and of the general public. The safe and efficient
15 movement of people by motor vehicle, rail, trolley, bus, bicycle,
16 pedestrian means, waterborne vessel, or other means of
17 transportation is a public purpose of the district. The present and
18 prospective traffic congestion in the district and the safety of
19 pedestrians and the limited availability of funds require the
20 promotion and development of public transportation and pedestrian
21 facilities and systems by new and alternative means, and the
22 district will serve the public purpose of securing expanded and
23 improved transportation and pedestrian facilities and systems. The
24 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

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

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

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

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

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

13 (v) In this section:

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

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

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

25 (ee) The district is an "endorsing municipality" for the
26 purposes of Chapter 1507 (S.B. 456), Acts of the 76th Legislature,
27 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

1 adjacent to the district for:

2 (1) mass transportation;

3 (2) parking;

4 (3) pedestrian movement;

5 (4) rail systems;

6 (5) traffic movement;

7 (6) transit terminals;

8 (7) waterborne transit; or

9 (8) other modes of transportation and mobility

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

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

18 (c) The district may contract for an improvement to a
19 boundary highway and consent to the imposition of an assessment by a
20 municipality in the manner provided by Sections [313.022](#) and
21 [313.046](#), Transportation Code, for a municipality.

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

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

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

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

9 (2) sustaining and stimulating business in the state;

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

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

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

16 (6) serving other purposes beneficial to the state.

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

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

26 (c) The Texas Commission on Environmental Quality has filed
27 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.