

1-1 By: Creighton S.B. No. 2020
 1-2 (In the Senate - Filed March 27, 2015; March 30, 2015, read
 1-3 first time and referred to Committee on Transportation;
 1-4 April 20, 2015, rereferred to Committee on Intergovernmental
 1-5 Relations; May 6, 2015, reported favorably by the following vote:
 1-6 Yeas 5, Nays 0; May 6, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9				
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			

1-16 A BILL TO BE ENTITLED
 1-17 AN ACT

1-18 relating to the powers, operations, and boundaries of The Woodlands
 1-19 Township; authorizing a fee.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 5(b), Chapter 289, Acts of the 73rd
 1-22 Legislature, Regular Session, 1993, is amended to read as follows:

1-23 (b) The legislature finds that the creation of the district
 1-24 is essential to further the public purposes of the economic
 1-25 development and diversification of the state, the elimination of
 1-26 unemployment and underemployment, and the stimulation and
 1-27 development of transportation and commerce; that it is in the
 1-28 public interest; and that it will promote the health, safety, and
 1-29 general welfare of residents, employers, employees, and consumers
 1-30 in the district and of the general public. The safe and efficient
 1-31 movement of people by motor vehicle, rail, trolley, bus, bicycle,
 1-32 pedestrian means, waterborne vessel, or other means of
 1-33 transportation is a public purpose of the district. The present and
 1-34 prospective traffic congestion in the district and the safety of
 1-35 pedestrians and the limited availability of funds require the
 1-36 promotion and development of public transportation and pedestrian
 1-37 facilities and systems by new and alternative means, and the
 1-38 district will serve the public purpose of securing expanded and
 1-39 improved transportation and pedestrian facilities and systems. The
 1-40 district will provide needed funding for the Town Center area to
 1-41 preserve, maintain, and enhance the economic health and vitality of
 1-42 the area as a community and business and commerce center. The
 1-43 district will further promote the health, safety, welfare,
 1-44 education, convenience, and enjoyment of the public by improving,
 1-45 landscaping, and developing certain areas within and adjacent to
 1-46 the district and providing public services and facilities within
 1-47 and adjacent to the district which are necessary for the
 1-48 restoration, preservation, enhancement, and enjoyment of scenic
 1-49 and aesthetic beauty. Each and all of the improvement projects
 1-50 authorized by this Act are hereby found and declared to be essential
 1-51 to carrying out a public purpose. The district will not act as the
 1-52 agent or instrumentality of any private interests, even though many
 1-53 private interests will be benefited by the district as will the
 1-54 general public.

1-55 SECTION 2. Sections 7(t) and (v), Chapter 289, Acts of the
 1-56 73rd Legislature, Regular Session, 1993, are amended to read as
 1-57 follows:

1-58 (t) In order to promote business retention, sustain
 1-59 employment, and prevent substandard and blighted housing
 1-60 conditions, the district may:

1-61 (1) merge or consolidate with a qualified association

2-1 to carry out a function described by this subsection;
2-2 (1-a) except as otherwise provided by this subsection
2-3 and in the same manner as a qualified association, assume, accept an
2-4 assignment of, succeed to, or contract to undertake, exercise, or
2-5 perform:

2-6 (A) all or part of the rights, powers,
2-7 privileges, duties, responsibilities, assets, liabilities, and
2-8 obligations of a qualified association under community covenants;

2-9 (B) any contracts, agreements, leases,
2-10 commitments, loans, pledges, instruments of indebtedness, or other
2-11 undertakings with any person, regardless of whether the person is a
2-12 qualified association, in the exercise of the rights, powers,
2-13 privileges, duties, or responsibilities described by Paragraph
2-14 (A);

2-15 (C) the administration, enforcement, amendment,
2-16 supplementation, repeal, revocation, or rescission of a community
2-17 covenant as provided by the covenant; or

2-18 (D) the functions, duties, and responsibilities
2-19 of the board of directors of a qualified association, without the
2-20 necessity of electing or appointing members of the board of
2-21 directors of the qualified association;

2-22 (2) administer and perform procedures established in a
2-23 community covenant or a related agreement for the selection or
2-24 appointment of members or officers to committees, village
2-25 association governing bodies, or similar positions;

2-26 (3) arrange or contract with one or more
2-27 municipalities, political subdivisions, or nonprofit organizations
2-28 for the provision of services and facilities to all or part of the
2-29 territory in or adjacent to the district that are substantially
2-30 equivalent to the services or facilities provided by the district
2-31 or a qualified association in the district, provided that the
2-32 district may not transfer, assign, or abrogate responsibility for
2-33 the administration or enforcement of any land use restrictions or
2-34 negative covenants included in a community covenant that apply to
2-35 land in or adjacent to the district;

2-36 (4) own, acquire, construct, improve, repair,
2-37 rehabilitate, operate, maintain, lease, purchase, sell, dispose
2-38 of, encumber, abandon, or remove:

2-39 (A) any buildings, improvements, or facilities;
2-40 or

2-41 (B) any real, personal, or mixed property; and

2-42 (5) assess, charge, collect, pledge, encumber, and
2-43 apply any fees, rents, charges, or proceeds received for the use,
2-44 enjoyment, or disposition of a building, improvement, facility, or
2-45 property or for a service or facility.

2-46 (v) In this section:

2-47 (1) "Qualified association" means a nonprofit
2-48 property owners' association created and operated by or in a
2-49 planned community, as that term is defined by Section 43.0754,
2-50 Local Government Code.

2-51 (2) "Community covenant" means recorded land use
2-52 restrictions and covenants applicable to land in a planned
2-53 community, as that term is defined by Section 43.0754, Local
2-54 Government Code.

2-55 SECTION 3. Section 7, Chapter 289, Acts of the 73rd
2-56 Legislature, Regular Session, 1993, is amended by adding
2-57 Subsections (ee) and (ff) to read as follows:

2-58 (ee) The district is an "endorsing municipality" for the
2-59 purposes of Chapter 1507 (S.B. 456), Acts of the 76th Legislature,
2-60 Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil
2-61 Statutes).

2-62 (ff) The district is entitled to receive a certified
2-63 appraisal roll, an estimate of the taxable value of property in the
2-64 district, and assistance in determining values of property in the
2-65 district in the manner provided by Section 26.01, Tax Code, for a
2-66 municipality.

2-67 SECTION 4. Section 7-a(c), Chapter 289, Acts of the 73rd
2-68 Legislature, Regular Session, 1993, is amended to read as follows:

2-69 (c) A description of ~~[map or plat showing]~~ the boundaries of

3-1 the district, as adjusted from time to time, shall be recorded in
3-2 the real property records of each county in which all or part of the
3-3 district is situated not later than the seventh day after the date
3-4 of each such boundary adjustment. The boundaries of the district
3-5 may be described by metes and bounds, plat, or reference to a
3-6 previously recorded instrument.

3-7 SECTION 5. Chapter 289, Acts of the 73rd Legislature,
3-8 Regular Session, 1993, is amended by adding Section 7I to read as
3-9 follows:

3-10 Sec. 7I. TRANSPORTATION PROJECTS, FACILITIES, PROGRAMS,
3-11 AND SERVICES. (a) The district may engage in or contract with
3-12 another person to perform activities that accomplish the
3-13 transportation and traffic movement purposes of the district,
3-14 including the acquisition, analysis, construction, design,
3-15 financing, investigation, implementation, improvement,
3-16 maintenance, operation, ownership, planning, provision,
3-17 relocation, repair, replacement, or study of improvement projects,
3-18 facilities, programs, and services in the district and in areas
3-19 adjacent to the district for:

- 3-20 (1) mass transportation;
- 3-21 (2) parking;
- 3-22 (3) pedestrian movement;
- 3-23 (4) rail systems;
- 3-24 (5) traffic movement;
- 3-25 (6) transit terminals;
- 3-26 (7) waterborne transit; or
- 3-27 (8) other modes of transportation and mobility
3-28 enhancements that reduce congestion or promote or aid in the
3-29 circulation of traffic and movement of people in the district and in
3-30 areas adjacent to the district.

3-31 (b) The district may apply for and receive state and federal
3-32 transportation funding, including grants or other assistance. The
3-33 district has the rights associated with the funding and may carry
3-34 out functions and perform obligations associated with the funding,
3-35 as the designated recipient or otherwise.

3-36 (c) The district may contract for an improvement to a
3-37 boundary highway and consent to the imposition of an assessment by a
3-38 municipality in the manner provided by Sections 313.022 and
3-39 313.046, Transportation Code, for a municipality.

3-40 (d) The district may adopt and enforce by ordinary civil
3-41 remedies rules regarding access to and use of the district's
3-42 transportation projects, facilities, programs, and services.

3-43 (e) The district may charge a fare, fee, rate, toll, or
3-44 other charge for the use of a district transportation project,
3-45 facility, program, or service.

3-46 SECTION 6. The legislature finds that the powers,
3-47 authority, and functions of the district authorized by this Act are
3-48 essential and beneficial to the district and to the state as a whole
3-49 as a program for promoting, facilitating, and accomplishing the
3-50 public purposes of Section 52-a, Article III, Texas Constitution,
3-51 by:

- 3-52 (1) promoting, sustaining, and advancing employment
3-53 and economic diversification and development in the state;
- 3-54 (2) sustaining and stimulating business in the state;
- 3-55 (3) conserving and sustaining property values and
3-56 living conditions in the state;
- 3-57 (4) promoting traffic circulation and public safety in
3-58 the state;
- 3-59 (5) promoting the development of parks, recreational
3-60 facilities, and cultural education in the state; and
- 3-61 (6) servicing other purposes beneficial to the state.

3-62 SECTION 7. (a) The legal notice of the intention to
3-63 introduce this Act, setting forth the general substance of this
3-64 Act, has been published as provided by law, and the notice and a
3-65 copy of this Act have been furnished to all persons, agencies,
3-66 officials, or entities to which they are required to be furnished
3-67 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3-68 Government Code.

3-69 (b) The governor has submitted the notice and Act to the

4-1 Texas Commission on Environmental Quality.

4-2 (c) The Texas Commission on Environmental Quality has filed
4-3 its recommendations relating to this Act with the governor,
4-4 lieutenant governor, and speaker of the house of representatives
4-5 within the required time.

4-6 (d) All requirements of the constitution and laws of this
4-7 state and the rules and procedures of the legislature with respect
4-8 to the notice, introduction, and passage of this Act are fulfilled
4-9 and accomplished.

4-10 SECTION 8. This Act takes effect immediately if it receives
4-11 a vote of two-thirds of all the members elected to each house, as
4-12 provided by Section 39, Article III, Texas Constitution. If this
4-13 Act does not receive the vote necessary for immediate effect, this
4-14 Act takes effect September 1, 2015.

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