

1-1 By: Keough (Senate Sponsor - Creighton) H.B. No. 4149
 1-2 (In the Senate - Received from the House May 11, 2015;
 1-3 May 11, 2015, read first time and referred to Committee on
 1-4 Administration; May 18, 2015, reported favorably by the following
 1-5 vote: Yeas 5, Nays 0; May 18, 2015, sent to printer.)

1-6 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|-----------------|-----|-----|--------|-----|
| 1-7 Hancock | X | | | |
| 1-8 Uresti | X | | | |
| 1-9 Campbell | X | | | |
| 1-10 Eltife | | | X | |
| 1-11 Huffines | X | | | |
| 1-12 Schwertner | | | X | |
| 1-13 West | X | | | |

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

1-17 relating to the powers, operations, and boundaries of The Woodlands
 1-18 Township; authorizing a fee.

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

1-20 SECTION 1. Section 5(b), Chapter 289, Acts of the 73rd
 1-21 Legislature, Regular Session, 1993, is amended to read as follows:

1-22 (b) The legislature finds that the creation of the district
 1-23 is essential to further the public purposes of the economic
 1-24 development and diversification of the state, the elimination of
 1-25 unemployment and underemployment, and the stimulation and
 1-26 development of transportation and commerce; that it is in the
 1-27 public interest; and that it will promote the health, safety, and
 1-28 general welfare of residents, employers, employees, and consumers
 1-29 in the district and of the general public. The safe and efficient
 1-30 movement of people by motor vehicle, rail, trolley, bus, bicycle,
 1-31 pedestrian means, waterborne vessel, or other means of
 1-32 transportation is a public purpose of the district. The present and
 1-33 prospective traffic congestion in the district and the safety of
 1-34 pedestrians and the limited availability of funds require the
 1-35 promotion and development of public transportation and pedestrian
 1-36 facilities and systems by new and alternative means, and the
 1-37 district will serve the public purpose of securing expanded and
 1-38 improved transportation and pedestrian facilities and systems. The
 1-39 district will provide needed funding for the Town Center area to
 1-40 preserve, maintain, and enhance the economic health and vitality of
 1-41 the area as a community and business and commerce center. The
 1-42 district will further promote the health, safety, welfare,
 1-43 education, convenience, and enjoyment of the public by improving,
 1-44 landscaping, and developing certain areas within and adjacent to
 1-45 the district and providing public services and facilities within
 1-46 and adjacent to the district which are necessary for the
 1-47 restoration, preservation, enhancement, and enjoyment of scenic
 1-48 and aesthetic beauty. Each and all of the improvement projects
 1-49 authorized by this Act are hereby found and declared to be essential
 1-50 to carrying out a public purpose. The district will not act as the
 1-51 agent or instrumentality of any private interests, even though many
 1-52 private interests will be benefited by the district as will the
 1-53 general public.

1-54 SECTION 2. Sections 7(t) and (v), Chapter 289, Acts of the
 1-55 73rd Legislature, Regular Session, 1993, are amended to read as
 1-56 follows:

1-57 (t) In order to promote business retention, sustain
 1-58 employment, and prevent substandard and blighted housing
 1-59 conditions, the district may:

1-60 (1) merge or consolidate with a qualified association
 1-61 to carry out a function described by this subsection;

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

2-5 (A) all or part of the rights, powers,
2-6 privileges, duties, responsibilities, assets, liabilities, and
2-7 obligations of a qualified association under community covenants;

2-8 (B) any contracts, agreements, leases,
2-9 commitments, loans, pledges, instruments of indebtedness, or other
2-10 undertakings with any person, regardless of whether the person is a
2-11 qualified association, in the exercise of the rights, powers,
2-12 privileges, duties, or responsibilities described by Paragraph
2-13 (A);

2-14 (C) the administration, enforcement, amendment,
2-15 supplementation, repeal, revocation, or rescission of a community
2-16 covenant as provided by the covenant; or

2-17 (D) the functions, duties, and responsibilities
2-18 of the board of directors of a qualified association, without the
2-19 necessity of electing or appointing members of the board of
2-20 directors of the qualified association;

2-21 (2) administer and perform procedures established in a
2-22 community covenant or a related agreement for the selection or
2-23 appointment of members or officers to committees, village
2-24 association governing bodies, or similar positions;

2-25 (3) arrange or contract with one or more
2-26 municipalities, political subdivisions, or nonprofit organizations
2-27 for the provision of services and facilities to all or part of the
2-28 territory in or adjacent to the district that are substantially
2-29 equivalent to the services or facilities provided by the district
2-30 or a qualified association in the district, provided that the
2-31 district may not transfer, assign, or abrogate responsibility for
2-32 the administration or enforcement of any land use restrictions or
2-33 negative covenants included in a community covenant that apply to
2-34 land in or adjacent to the district;

2-35 (4) own, acquire, construct, improve, repair,
2-36 rehabilitate, operate, maintain, lease, purchase, sell, dispose
2-37 of, encumber, abandon, or remove:

2-38 (A) any buildings, improvements, or facilities;
2-39 or

2-40 (B) any real, personal, or mixed property; and

2-41 (5) assess, charge, collect, pledge, encumber, and
2-42 apply any fees, rents, charges, or proceeds received for the use,
2-43 enjoyment, or disposition of a building, improvement, facility, or
2-44 property or for a service or facility.

2-45 (v) In this section:

2-46 (1) "Qualified association" means a nonprofit
2-47 property owners' association created and operated by or in a
2-48 planned community, as that term is defined by Section 43.0754,
2-49 Local Government Code.

2-50 (2) "Community covenant" means recorded land use
2-51 restrictions and covenants applicable to land in a planned
2-52 community, as that term is defined by Section 43.0754, Local
2-53 Government Code.

2-54 SECTION 3. Section 7, Chapter 289, Acts of the 73rd
2-55 Legislature, Regular Session, 1993, is amended by adding
2-56 Subsections (ee) and (ff) to read as follows:

2-57 (ee) The district is an "endorsing municipality" for the
2-58 purposes of Chapter 1507 (S.B. 456), Acts of the 76th Legislature,
2-59 Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil
2-60 Statutes).

2-61 (ff) The district is entitled to receive a certified
2-62 appraisal roll, an estimate of the taxable value of property in the
2-63 district, and assistance in determining values of property in the
2-64 district in the manner provided by Section 26.01, Tax Code, for a
2-65 municipality.

2-66 SECTION 4. Section 7-a(c), Chapter 289, Acts of the 73rd
2-67 Legislature, Regular Session, 1993, is amended to read as follows:

2-68 (c) A description of ~~[map or plat showing]~~ the boundaries of
2-69 the district, as adjusted from time to time, shall be recorded in

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

3-6 SECTION 5. Chapter 289, Acts of the 73rd Legislature,
3-7 Regular Session, 1993, is amended by adding Section 7I to read as
3-8 follows:

3-9 Sec. 7I. TRANSPORTATION PROJECTS, FACILITIES, PROGRAMS,
3-10 AND SERVICES. (a) The district may engage in or contract with
3-11 another person to perform activities that accomplish the
3-12 transportation and traffic movement purposes of the district,
3-13 including the acquisition, analysis, construction, design,
3-14 financing, investigation, implementation, improvement,
3-15 maintenance, operation, ownership, planning, provision,
3-16 relocation, repair, replacement, or study of improvement projects,
3-17 facilities, programs, and services in the district and in areas
3-18 adjacent to the district for:

- 3-19 (1) mass transportation;
- 3-20 (2) parking;
- 3-21 (3) pedestrian movement;
- 3-22 (4) rail systems;
- 3-23 (5) traffic movement;
- 3-24 (6) transit terminals;
- 3-25 (7) waterborne transit; or
- 3-26 (8) other modes of transportation and mobility
3-27 enhancements that reduce congestion or promote or aid in the
3-28 circulation of traffic and movement of people in the district and in
3-29 areas adjacent to the district.

3-30 (b) The district may apply for and receive state and federal
3-31 transportation funding, including grants or other assistance. The
3-32 district has the rights associated with the funding and may carry
3-33 out functions and perform obligations associated with the funding,
3-34 as the designated recipient or otherwise.

3-35 (c) The district may contract for an improvement to a
3-36 boundary highway and consent to the imposition of an assessment by a
3-37 municipality in the manner provided by Sections 313.022 and
3-38 313.046, Transportation Code, for a municipality.

3-39 (d) The district may adopt and enforce by ordinary civil
3-40 remedies rules regarding access to and use of the district's
3-41 transportation projects, facilities, programs, and services.

3-42 (e) The district may charge a fare, fee, rate, toll, or
3-43 other charge for the use of a district transportation project,
3-44 facility, program, or service.

3-45 SECTION 6. The legislature finds that the powers,
3-46 authority, and functions of the district authorized by this Act are
3-47 essential and beneficial to the district and to the state as a whole
3-48 as a program for promoting, facilitating, and accomplishing the
3-49 public purposes of Section 52-a, Article III, Texas Constitution,
3-50 by:

- 3-51 (1) promoting, sustaining, and advancing employment
3-52 and economic diversification and development in the state;
- 3-53 (2) sustaining and stimulating business in the state;
- 3-54 (3) conserving and sustaining property values and
3-55 living conditions in the state;
- 3-56 (4) promoting traffic circulation and public safety in
3-57 the state;
- 3-58 (5) promoting the development of parks, recreational
3-59 facilities, and cultural education in the state; and
- 3-60 (6) servicing other purposes beneficial to the state.

3-61 SECTION 7. (a) The legal notice of the intention to
3-62 introduce this Act, setting forth the general substance of this
3-63 Act, has been published as provided by law, and the notice and a
3-64 copy of this Act have been furnished to all persons, agencies,
3-65 officials, or entities to which they are required to be furnished
3-66 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3-67 Government Code.

3-68 (b) The governor has submitted the notice and Act to the
3-69 Texas Commission on Environmental Quality.

4-1 (c) The Texas Commission on Environmental Quality has filed
4-2 its recommendations relating to this Act with the governor,
4-3 lieutenant governor, and speaker of the house of representatives
4-4 within the required time.

4-5 (d) All requirements of the constitution and laws of this
4-6 state and the rules and procedures of the legislature with respect
4-7 to the notice, introduction, and passage of this Act are fulfilled
4-8 and accomplished.

4-9 SECTION 8. This Act takes effect immediately if it receives
4-10 a vote of two-thirds of all the members elected to each house, as
4-11 provided by Section 39, Article III, Texas Constitution. If this
4-12 Act does not receive the vote necessary for immediate effect, this
4-13 Act takes effect September 1, 2015.

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