

BILL ANALYSIS

Senate Research Center

H.B. 4149
By: Keough (Creighton)
Administration
5/14/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Woodlands Township (Township) is located in Montgomery County and encompasses a more than 28,000-acre master planned community known as The Woodlands, Texas. The original enactment of S.B. 1373 in 1993 provided for the creation, administration, powers, duties, operations, financing, and dissolution of the Town Center Improvement District of Montgomery County, Texas, which is now the Township.

H.B. 4149 proposes to clearly establish transportation as public purpose of the Township, make several changes and clarifications that will allow the Township to carry out its responsibilities as a direct recipient of federal transportation funds, and provide the authority to contract with adjacent municipalities for boundary road improvements, seek financial assistance from the Events Trust Fund for qualifying events, and timely receive property value information from the county chief appraisers for budgetary purposes. H.B. 4149 also makes several nonsubstantive changes to clarify various matters, including the ability to define new Township boundaries by reference to a previously recorded instrument (instead of a map), and clarifies that the Township may succeed to rights and obligations of certain community associations through merger or consolidation and revisions to the definitions of related terms.

H.B. 4149 amends current law relating to the powers, operations, and boundaries of The Woodlands Township and authorizes a fee.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 5(b), Chapter 289, Acts of the 73rd Legislature, Regular Session, 1993, to provide that 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 Town Center Improvement District of Montgomery County, Texas (district). Makes no further change.

SECTION 2. Amends Sections 7(t) and (v), Chapter 289, Acts of the 73rd Legislature, Regular Session, 1993, as follows:

(t) Authorizes the district, in order to promote business retention, sustain employment, and prevent substandard and blighted housing conditions, to merge or consolidate with a qualified association to carry out a function described by this subsection;

(v) Redefines "qualified association" and "community covenant" in this section.

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

(ee) Provides that 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, V.T.C.S.).

(ff) Entitles the district to receive a certified appraisal roll, an estimate of the taxable value of property in the district, and assistance in determining values of property in the district in the manner provided by Section 26.01 (Submission of Rolls to Taxing Units), Tax Code, for a municipality.

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

(c) Requires that a description of, rather than a map or plat showing, the boundaries of the district, as adjusted from time to time, be recorded in the real property records of each county in which all or part of the district is situated not later than the seventh day after the date of each such boundary adjustment. Authorizes the boundaries of the district to be described by metes and bounds, plat, or reference to a previously recorded instrument.

SECTION 5. Amends Chapter 289, Acts of the 73rd Legislature, Regular Session, 1993, by adding Section 7I, as follows:

Sec. 7I. TRANSPORTATION PROJECTS, FACILITIES, PROGRAMS, AND SERVICES. (a) Authorizes the district to engage in or contract with another person to perform activities that accomplish the transportation and traffic movement purposes of the district, including the acquisition, analysis, construction, design, financing, investigation, implementation, improvement, maintenance, operation, ownership, planning, provision, relocation, repair, replacement, or study of improvement projects, facilities, programs, and services in the district and in areas adjacent to the district for certain transportation and mobility enhancements as set forth.

(b) Authorizes the district to apply for and receive state and federal transportation funding, including grants or other assistance. Provides that 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) Authorizes the district to 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 (Contract for Improvement of Boundary Highway) and 313.046 (Assessment for Improvement of Boundary Highway), Transportation Code, for a municipality.

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

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

SECTION 6. Provides that 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 (Loan or Grant of Public Money for Economic Development), 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. Provides that all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 8. Effective date: upon passage or September 1, 2015.