

BILL ANALYSIS

S.B. 1878
By: Deuell
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the board of directors of the Falcon's Lair Utility and Reclamation District of Dallas County cannot amend special assessment orders or assessments imposed in the order to reflect changes in improvement projects.

As proposed, S.B. 1878 allows the board to amend special assessment orders and the assessments imposed in the order to reflect the change of projects if the project is amended or cancelled and replaced by a different improvement project. The amended assessment order may only be adopted after a hearing is conducted.

S.B. 1878 also provides that the legislature validate and confirm in all respects any act or proceeding of the Falcon's Lair Utility and Reclamation District taken not more than 8 years ago and that is not the subject of pending litigation, or was a misdemeanor or felony at the time the act occurred.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 20A, Chapter 935, Acts of the 69th Legislature, Regular Session, 1985, by adding Subsection (e), as follows:

(e) If the board levies an assessment to pay the cost of an improvement project and subsequently the improvement project is amended or cancelled and replaced by a different improvement project, the board may amend the special assessment order and the assessments imposed in the order to reflect the change of projects, the costs of the revised improvement project, and the benefits of the revised improvement project. The amended assessment order may be adopted after a hearing is conducted in accordance with the procedures provided by Subsection (d) of this section.

SECTION 2. (a) Provides that the legislature validates and confirms in all respects any act or proceeding of the Falcon's Lair Utility and Reclamation District, of Dallas County, Texas, including elections and annexations, not excepted by Subsection (b) of this section and taken not more than eight years before the effective date of this Act, effective as of the date on which the act or proceeding occurred.

(b) Provides that this section does not apply to an act or proceeding that is the subject of litigation pending on the effective date of this Act or to an act that, under a statute of this state or the United States, was a misdemeanor or a felony at the time the act occurred.

SECTION 3. Effective date: upon passage or September 1, 2005.

EFFECTIVE DATE

Upon passage; or if the Act does not receive the necessary vote, September 1, 2005.

