

## **FBILL ANALYSIS**

Senate Research Center  
80R15839 HLT-F

H.B. 4057  
By: Solomons (Harris)  
Natural Resources  
5/17/2007  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 4057 grants additional authority to the Denton County Levee Improvement District No. 1 of Denton and Dallas Counties (district), which encompasses an area of land inside the corporate boundaries of the cities of Lewisville and Coppell, Texas, to provide the district with the power to finance a service or improvement project with assessments. As a municipal utility district (MUD), the district is authorized by Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article 16, and Section 52 (Counties, Cities or Other Political Corporations or Subdivisions; Lending Credit; Grant; Bonds), Article 3, Texas Constitution, and governed by Chapter 49 (Provisions Applicable to All Districts) and Chapter 54 (Municipal Utility District), Water Code.

### **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 1, Chapter 473, Acts of the 69th Legislature, Regular Session, 1985, to redefine "district" and "board."

SECTION 2. Amends Section 3, Chapter 473, Acts of the 69th Legislature, Regular Session, 1985, as follows:

Sec. 3. (a) Provides that the Denton County Levee Improvement District No. 1 of Denton and Dallas Counties (district) is a levee improvement district created under and essential to accomplish the purposes of Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI, Texas Constitution.

(b) Creates this subsection from existing text.

SECTION 3. Amends Section 6, Chapter 473, Acts of the 69th Legislature, Regular Session, 1985, as follows:

Sec. 6. Provides that Chapters 49 (Provisions Applicable to All Districts) and 57 (Levee Improvement Districts), rather than the provisions of Chapter 57, as amended, apply to the district except to the extent that Act constitutes a modification of the provisions of the general law.

SECTION 4. Amends Chapter 473, Acts of the 69th Legislature, Regular Session, 1985, by adding Sections 6A through 6F, as follows:

Sec. 6A. (a) Authorizes the board of directors of the district (board) to undertake an improvement project or service that confers a special benefit on all or a definable part of the district.

(b) Authorizes the board to impose and collect special assessments on property in the district based on the benefit conferred by the project or service under this section to pay all or part of the cost of the project or service.

(c) Authorizes the district to provide an improvement project or service that includes the acquisition, construction, or financing of certain developments as needed for the restoration, preservation, or enhancement of the scenic and aesthetic beauty of an area in the district.

(d) Sets forth certain sections which apply to the financing of an improvement project or service.

Sec. 6B. (a) Prohibits the board from financing a service or improvement project with assessments under this Act unless a written petition requesting that service or improvement has been filed with the board.

(b) Requires a petition filed under Subsection (a) to be signed by the owners of a majority of the assessed value of real property in the district subject to assessment according to the most recent certified appraisal rolls for Denton and Dallas counties or the owners of a majority of the surface area of real property in the district subject to assessment as determined by the board.

Sec. 6C. (a) Authorizes the board by resolution to impose and collect an assessment for any purpose authorized by this chapter.

(b) Provides that an assessment, a reassessment, an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense or collection, and reasonable attorney's fees incurred by the district are a first and prior lien against the assessed property, are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes, and are the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(c) Provides that the lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid. Authorizes the board to enforce the lien in the same manner that the board enforces an ad valorem tax lien against real property.

Sec. 6D. Prohibits the district from imposing an impact fee or assessment on single-family residential property.

Sec. 6E. Sets forth language granting additional authority to the district to impose taxes and to issue bonds and obligations for the district.

Sec. 6F. Prohibits the district from imposing an impact fee or assessment on the property, including the equipment, rights-of-way, facilities, or improvements of certain utilities or providers.

SECTION 5. Repealer: Sections 7 (regarding proper notice of the creation of the district) and 8 (regarding expedited passage of the Act creating the district and the district's creation upon passage), Chapter 473, Acts of the 69th Legislature, Regular Session, 1985.

SECTION 6. Provides that all requirements of the constitution and the 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 7. Effective date: upon passage or September 1, 2007.