

By: Solomons

H.B. No. 4057

Substitute the following for H.B. No. 4057:

By: Puente

C.S.H.B. No. 4057

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the powers and duties of the Denton County Levee
3 Improvement District No. 1 of Denton and Dallas Counties, Texas;
4 providing authority to issue bonds.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 1, Chapter 473, Acts of the 69th
7 Legislature, Regular Session, 1985, is amended to read as follows:

8 Sec. 1. In this Act:

9 (1) "District" [~~,"district"~~] means the Denton County
10 Levee Improvement District No. 1 of Denton and Dallas Counties,
11 Texas.

12 (2) "Board" means the district's board of directors.

13 SECTION 2. Section 3, Chapter 473, Acts of the 69th
14 Legislature, Regular Session, 1985, is amended to read as follows:

15 Sec. 3. (a) The district is a levee improvement district
16 created under and essential to accomplish the purposes of Section
17 59, Article XVI, Texas Constitution.

18 (b) The district is a political subdivision of the State of
19 Texas and a body corporate and politic.

20 SECTION 3. Section 6, Chapter 473, Acts of the 69th
21 Legislature, Regular Session, 1985, is amended to read as follows:

22 Sec. 6. Chapters 49 and [~~The provisions of Chapter~~] 57,
23 Water Code, [~~as amended, shall~~] apply to the district except to the
24 extent this Act constitutes a modification of the provisions of the

1 general law.

2 SECTION 4. Chapter 473, Acts of the 69th Legislature,
3 Regular Session, 1985, is amended by adding Sections 6A through 6F
4 to read as follows:

5 Sec. 6A. (a) The board may undertake an improvement project
6 or service that confers a special benefit on all or a definable part
7 of the district.

8 (b) The board may impose and collect special assessments on
9 property in the district, based on the benefit conferred by the
10 project or service under this section, to pay all or part of the
11 cost of the project or service.

12 (c) As needed for the restoration, preservation, or
13 enhancement of the scenic and aesthetic beauty of an area in the
14 district, the district may provide an improvement project or
15 service under this section that may include the acquisition,
16 construction, or financing of:

17 (1) a drainage facility;

18 (2) a hike and bike trail;

19 (3) a pedestrian way along or across a street, at grade
20 or above or below the surface;

21 (4) landscaping; and

22 (5) other development.

23 (d) Sections 375.111 through 375.124, Local Government
24 Code, apply to the financing of an improvement project or service
25 under this section.

26 Sec. 6B. (a) The board may not finance a service or
27 improvement project with assessments under this Act unless a

1 written petition requesting that service or improvement has been
2 filed with the board.

3 (b) A petition filed under Subsection (a) of this section
4 must be signed by:

5 (1) the owners of a majority of the assessed value of
6 real property in the district subject to assessment according to
7 the most recent certified appraisal rolls for Denton and Dallas
8 Counties; or

9 (2) the owners of a majority of the surface area of
10 real property in the district subject to assessment as determined
11 by the board.

12 Sec. 6C. (a) The board by resolution may impose and collect
13 an assessment for any purpose authorized by this chapter.

14 (b) An assessment, a reassessment, or an assessment
15 resulting from an addition to or correction of the assessment roll
16 by the district, penalties and interest on an assessment or
17 reassessment, an expense of collection, and reasonable attorney's
18 fees incurred by the district:

19 (1) are a first and prior lien against the property
20 assessed;

21 (2) are superior to any other lien or claim other than
22 a lien or claim for county, school district, or municipal ad valorem
23 taxes; and

24 (3) are the personal liability of and a charge against
25 the owners of the property even if the owners are not named in the
26 assessment proceedings.

27 (c) The lien is effective from the date of the board's

1 resolution imposing the assessment until the date the assessment is
2 paid. The board may enforce the lien in the same manner that the
3 board may enforce an ad valorem tax lien against real property.

4 Sec. 6D. The district may not impose an impact fee or
5 assessment on single-family residential property.

6 Sec. 6E. (a) The district may issue bonds or other
7 obligations payable wholly or partly from ad valorem taxes,
8 assessments, impact fees, revenue, grants, or other district money,
9 or any combination of those sources, to pay for any authorized
10 district purpose.

11 (b) In exercising the district's power to borrow, the
12 district may issue a bond or other obligation in the form of a bond,
13 note, certificate of participation or other instrument evidencing a
14 proportionate interest in payments to be made by the district, or
15 other type of obligation.

16 (c) The district must obtain approval by the City of
17 Lewisville before issuing bonds under this section.

18 Sec. 6F. The district may not impose an impact fee or
19 assessment on the property, including the equipment,
20 rights-of-way, facilities, or improvements, of:

21 (1) an electric utility or a power generation company
22 as defined by Section 31.002, Utilities Code;

23 (2) a gas utility as defined by Section 101.003 or
24 121.001, Utilities Code;

25 (3) a telecommunications provider as defined by
26 Section 51.002, Utilities Code; or

27 (4) a person who provides to the public cable

1 television or advanced telecommunications services.

2 SECTION 5. Sections 7 and 8, Chapter 473, Acts of the 69th
3 Legislature, Regular Session, 1985, are repealed.

4 SECTION 6. (a) The legal notice of the intention to
5 introduce this Act, setting forth the general substance of this
6 Act, has been published as provided by law, and the notice and a
7 copy of this Act have been furnished to all persons, agencies,
8 officials, or entities to which they are required to be furnished
9 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
10 Government Code.

11 (b) The governor, one of the required recipients, has
12 submitted the notice and Act to the Texas Commission on
13 Environmental Quality.

14 (c) The Texas Commission on Environmental Quality has filed
15 its recommendations relating to this Act with the governor, the
16 lieutenant governor, and the speaker of the house of
17 representatives within the required time.

18 (d) All requirements of the constitution and laws of this
19 state and the rules and procedures of the legislature with respect
20 to the notice, introduction, and passage of this Act are fulfilled
21 and accomplished.

22 SECTION 7. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2007.