

By: Solomons

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 6E  
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 SECTION 5. Sections 7 and 8, Chapter 473, Acts of the 69th  
19 Legislature, Regular Session, 1985, are repealed.

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

27 (b) The governor, one of the required recipients, has

1 submitted the notice and Act to the Texas Commission on  
2 Environmental Quality.

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

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

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