

1-1 By: Solomons (Senate Sponsor - Harris) H.B. No. 4057  
1-2 (In the Senate - Received from the House May 14, 2007;  
1-3 May 15, 2007, read first time and referred to Committee on Natural  
1-4 Resources; May 18, 2007, reported favorably by the following vote:  
1-5 Yeas 11, Nays 0; May 18, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the powers and duties of the Denton County Levee  
1-9 Improvement District No. 1 of Denton and Dallas Counties, Texas;  
1-10 providing authority to issue bonds.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 1, Chapter 473, Acts of the 69th  
1-13 Legislature, Regular Session, 1985, is amended to read as follows:

1-14 Sec. 1. In this Act:

1-15 (1) "District" [~~,"district"~~] means the Denton County  
1-16 Levee Improvement District No. 1 of Denton and Dallas Counties,  
1-17 Texas.

1-18 (2) "Board" means the district's board of directors.

1-19 SECTION 2. Section 3, Chapter 473, Acts of the 69th  
1-20 Legislature, Regular Session, 1985, is amended to read as follows:

1-21 Sec. 3. (a) The district is a levee improvement district  
1-22 created under and essential to accomplish the purposes of Section  
1-23 59, Article XVI, Texas Constitution.

1-24 (b) The district is a political subdivision of the State of  
1-25 Texas and a body corporate and politic.

1-26 SECTION 3. Section 6, Chapter 473, Acts of the 69th  
1-27 Legislature, Regular Session, 1985, is amended to read as follows:

1-28 Sec. 6. Chapters 49 and [~~The provisions of Chapter~~] 57,  
1-29 Water Code, [as amended, shall] apply to the district except to the  
1-30 extent this Act constitutes a modification of the provisions of the  
1-31 general law.

1-32 SECTION 4. Chapter 473, Acts of the 69th Legislature,  
1-33 Regular Session, 1985, is amended by adding Sections 6A through 6F  
1-34 to read as follows:

1-35 Sec. 6A. (a) The board may undertake an improvement project  
1-36 or service that confers a special benefit on all or a definable part  
1-37 of the district.

1-38 (b) The board may impose and collect special assessments on  
1-39 property in the district, based on the benefit conferred by the  
1-40 project or service under this section, to pay all or part of the  
1-41 cost of the project or service.

1-42 (c) As needed for the restoration, preservation, or  
1-43 enhancement of the scenic and aesthetic beauty of an area in the  
1-44 district, the district may provide an improvement project or  
1-45 service under this section that may include the acquisition,  
1-46 construction, or financing of:

1-47 (1) a drainage facility;

1-48 (2) a hike and bike trail;

1-49 (3) a pedestrian way along or across a street, at grade  
1-50 or above or below the surface;

1-51 (4) landscaping; and

1-52 (5) other development.

1-53 (d) Sections 375.111 through 375.124, Local Government  
1-54 Code, apply to the financing of an improvement project or service  
1-55 under this section.

1-56 Sec. 6B. (a) The board may not finance a service or  
1-57 improvement project with assessments under this Act unless a  
1-58 written petition requesting that service or improvement has been  
1-59 filed with the board.

1-60 (b) A petition filed under Subsection (a) of this section  
1-61 must be signed by:

1-62 (1) the owners of a majority of the assessed value of  
1-63 real property in the district subject to assessment according to  
1-64 the most recent certified appraisal rolls for Denton and Dallas

2-1 Counties; or

2-2 (2) the owners of a majority of the surface area of  
2-3 real property in the district subject to assessment as determined  
2-4 by the board.

2-5 Sec. 6C. (a) The board by resolution may impose and collect  
2-6 an assessment for any purpose authorized by this chapter.

2-7 (b) An assessment, a reassessment, or an assessment  
2-8 resulting from an addition to or correction of the assessment roll  
2-9 by the district, penalties and interest on an assessment or  
2-10 reassessment, an expense of collection, and reasonable attorney's  
2-11 fees incurred by the district:

2-12 (1) are a first and prior lien against the property  
2-13 assessed;

2-14 (2) are superior to any other lien or claim other than  
2-15 a lien or claim for county, school district, or municipal ad valorem  
2-16 taxes; and

2-17 (3) are the personal liability of and a charge against  
2-18 the owners of the property even if the owners are not named in the  
2-19 assessment proceedings.

2-20 (c) The lien is effective from the date of the board's  
2-21 resolution imposing the assessment until the date the assessment is  
2-22 paid. The board may enforce the lien in the same manner that the  
2-23 board may enforce an ad valorem tax lien against real property.

2-24 Sec. 6D. The district may not impose an impact fee or  
2-25 assessment on single-family residential property.

2-26 Sec. 6E. (a) The district may issue bonds or other  
2-27 obligations payable wholly or partly from ad valorem taxes,  
2-28 assessments, impact fees, revenue, grants, or other district money,  
2-29 or any combination of those sources, to pay for any authorized  
2-30 district purpose.

2-31 (b) In exercising the district's power to borrow, the  
2-32 district may issue a bond or other obligation in the form of a bond,  
2-33 note, certificate of participation or other instrument evidencing a  
2-34 proportionate interest in payments to be made by the district, or  
2-35 other type of obligation.

2-36 (c) The district must obtain approval by the City of  
2-37 Lewisville before issuing bonds under this section.

2-38 Sec. 6F. The district may not impose an impact fee or  
2-39 assessment on the property, including the equipment,  
2-40 rights-of-way, facilities, or improvements, of:

2-41 (1) an electric utility or a power generation company  
2-42 as defined by Section 31.002, Utilities Code;

2-43 (2) a gas utility as defined by Section 101.003 or  
2-44 121.001, Utilities Code;

2-45 (3) a telecommunications provider as defined by  
2-46 Section 51.002, Utilities Code; or

2-47 (4) a person who provides to the public cable  
2-48 television or advanced telecommunications services.

2-49 SECTION 5. Sections 7 and 8, Chapter 473, Acts of the 69th  
2-50 Legislature, Regular Session, 1985, are repealed.

2-51 SECTION 6. (a) The legal notice of the intention to  
2-52 introduce this Act, setting forth the general substance of this  
2-53 Act, has been published as provided by law, and the notice and a  
2-54 copy of this Act have been furnished to all persons, agencies,  
2-55 officials, or entities to which they are required to be furnished  
2-56 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
2-57 Government Code.

2-58 (b) The governor, one of the required recipients, has  
2-59 submitted the notice and Act to the Texas Commission on  
2-60 Environmental Quality.

2-61 (c) The Texas Commission on Environmental Quality has filed  
2-62 its recommendations relating to this Act with the governor, the  
2-63 lieutenant governor, and the speaker of the house of  
2-64 representatives within the required time.

2-65 (d) All requirements of the constitution and laws of this  
2-66 state and the rules and procedures of the legislature with respect  
2-67 to the notice, introduction, and passage of this Act are fulfilled  
2-68 and accomplished.

2-69 SECTION 7. This Act takes effect immediately if it receives

3-1 a vote of two-thirds of all the members elected to each house, as  
3-2 provided by Section 39, Article III, Texas Constitution. If this  
3-3 Act does not receive the vote necessary for immediate effect, this  
3-4 Act takes effect September 1, 2007.

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