

## **BILL ANALYSIS**

H.B. 4769  
By: Brown, Betty  
Natural Resources  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Lake View Management and Development District in Henderson County was created by H.B. 2533, 78th Legislature, Regular Session, 2003, and pursuant to S.B. 1993, 80th Legislature, Regular Session, 2007, was given the power to divide. The district encompasses approximately 550 acres of undeveloped land in the unincorporated area of Henderson County and is outside of the extraterritorial jurisdiction of any municipality. The land is located on Cedar Creek Lake within a rural but growing recreational and tourist area, and will be developed into a mixed-use, residential, and commercial development. The bill seeks to allow for efficient development and to address specialized construction project requirements planned by the district.

H.B. 4769 provides the Lake View Management and Development District with the ability to undertake canal, bulkhead, dock, and waterway projects and to issue bonds and other obligations for such projects supported by property taxes on approval of a majority of voters in the district. The bill also addresses procedures for filling vacancies on the district board of directors, meeting procedures, and the appointment of additional district officers.

### **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**

H.B. 4769 amends the Special District Local Laws Code to require the commissioners court of Henderson County, if there are fewer than three directors on the board of the Lake View Management and Development District, to appoint the necessary number of directors to fill all board vacancies on petition by the owner or owners of a majority of the assessed value of the real property in the district according to the most recent certified tax appraisal roll for Henderson County. The bill establishes a concurrence of a majority of the total membership of the board as sufficient for transacting any business of the district. The bill requires the board to elect from among the directors, in addition to those already prescribed by law, any other officers the board considers necessary.

H.B. 4769 grants the district the powers and duties of a road district as provided in the Transportation Code. The bill adds a canal, waterway, bulkhead, dock, inside or outside the district's boundaries, that is necessary to, incidental to, or in aid of the navigation of inland water, and a floodplain or wetlands regulation project, including the acquisition of necessary local, state, or federal permits to the types of improvement projects the district may provide or contract with a governmental or private entity to provide. The bill removes the specification that property taxes imposed by the district be imposed in accordance with provisions governing municipal management districts in general.

H.B. 4769 provides that all governmental and proprietary actions of the district taken before the effective date of this bill are validated, ratified, and confirmed in all respects as if the actions had been taken as authorized by law, except any matter that on the effective date of this bill is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment or has been held invalid by a final court judgment.

**EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.