

BILL ANALYSIS

S.B. 2503
By: Nichols
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There is a need for clarification of the operating procedures of the board of directors of the Lake View Management and Development District. The current process for filling board vacancies does not address a situation where there is a lack of a quorum of directors. There is also a need to provide for the appointment of additional board officers, and a need to establish quorum requirements and the vote necessary to transact district business. Additionally, the board needs to be granted certain powers relating to navigation improvements and relating to a road district.

S.B. 2503 amends current law relating to the powers and duties of the Lake View Management and Development District, provides authority to impose a tax and issue bonds, grants certain powers relating to navigation improvements, and grants powers of a road district.

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

SECTION 1. Amends Section 3828.053, Special District Local Laws Code, as follows:

Sec. 3828.053 VACANCY. (a) Creates this subsection from existing text.

(b) Requires the Commissioners Court of Henderson County, if there are fewer than three directors, on petition by the owner or owners of a majority of the assessed value of the real property in the Lake View Management and Development District (district) according to the most recent certified tax appraisal roll for Henderson County, to appoint the necessary number of directors to fill all district board of directors (board) vacancies.

SECTION 2. Amends Subchapter B, Chapter 3828, Special District Local Laws Code, by adding Section 3828.0535, as follows:

Sec. 3828.0535. VOTING REQUIREMENT. Provides that a concurrence of a majority of the total membership of the board is sufficient for transacting any business of the district.

SECTION 3. Amends Section 3828.055, Special District Local Laws Code, as follows:

Sec. 3828.055. OFFICERS. Requires the board to elect from among the directors a presiding officer, a vice presiding officer, a secretary, and any other officers the board considers necessary. Makes a nonsubstantive change.

SECTION 4. Amends Section 3828.101, Special District Local Laws Code, as follows:

Sec. 3828.101. GENERAL POWERS AND DUTIES. Provides that the district has the powers and duties provided by the general laws relating to road districts and road utility districts created under Section 52(b) (relating to the authorization for counties, cities, or other political corporations or subdivisions to issue bonds or lend credit), Article III

(Legislative Department), Texas Constitution, including Chapters 257 (Road Districts) and 441 (Road Utility Districts), Transportation Code. Makes a nonsubstantive change.

SECTION 5. Amends Section 3828.102, Special District Local Laws Code, as follows:

Sec. 3828.102. IMPROVEMENT PROJECTS. Authorizes the district to provide, or enter into contracts with a governmental or private entity to provide, certain types of improvement projects or activities in support of or incidental to those projects, including a canal, waterway, bulkhead, or dock, inside or outside the district's boundaries, that is necessary to, incidental to, or in aid of the navigation of inland water, or a floodplain or wetlands regulation project, including the acquisition of necessary local, state, or federal permits. Makes nonsubstantive changes.

SECTION 6. Amends Section 3828.151, Special District Local Laws Code, as follows:

Sec. 3828.151. GENERAL POWERS REGARDING FINANCIAL MATTERS. Authorizes the district to impose an ad valorem tax on all taxable property in the district, rather than impose an ad valorem tax in accordance with Chapter 375 (Municipal Management Districts in General), Local Government Code, on all taxable property in the district.

SECTION 7. (a) Provides that all governmental and proprietary actions of the district taken before the effective date of this Act are validated, ratified, and confirmed in all respects as if the actions had been taken as authorized by law.

(b) Provides that this section does not apply to any matter that on the effective date of this Act 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.

SECTION 8. Provides that all requirements of the constitution and 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 9. Provides the effective date of this Act.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.