

By: Brown of Kaufman

H.B. No. 4769

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the powers and duties of the Lake View Management and
3 Development District; providing authority to impose a tax and issue
4 bonds; granting certain powers relating to navigation
5 improvements; and granting powers of a road district.

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

7 SECTION 1. Section 3828.053, Special District Local Laws
8 Code, is amended to read as follows:

9 Sec. 3828.053. VACANCY. (a) The remaining directors shall
10 fill a vacancy on the board by appointing a person who meets the
11 qualifications prescribed by Section 3828.052.

12 (b) If there are fewer than three directors, on petition by
13 the owner or owners of a majority of the assessed value of the real
14 property in the district according to the most recent certified tax
15 appraisal roll for Henderson County, the Commissioners Court of
16 Henderson County shall appoint the necessary number of directors to
17 fill all board vacancies.

18 SECTION 2. Subchapter B, Chapter 3828, Special District
19 Local Laws Code, is amended by adding Section 3828.0535 to read as
20 follows:

21 Sec. 3828.0535. VOTING REQUIREMENT. A concurrence of a
22 majority of the total membership of the board is sufficient for
23 transacting any business of the district.

24 SECTION 3. Section 3828.055, Special District Local Laws

1 Code, is amended to read as follows:

2 Sec. 3828.055. OFFICERS. The board shall elect from among
3 the directors a presiding officer, a vice presiding officer, ~~and~~
4 a secretary, and any other officers the board considers necessary.

5 SECTION 4. Section 3828.101, Special District Local Laws
6 Code, is amended to read as follows:

7 Sec. 3828.101. GENERAL POWERS AND DUTIES. The district has
8 the powers and duties provided by:

9 (1) the general laws relating to conservation and
10 reclamation districts created under Section 59, Article XVI, Texas
11 Constitution, including Chapters 49 and 54, Water Code, except that
12 the district's bonds and other securities are not subject to the
13 jurisdiction or supervision of the commission under Chapter 49,
14 Water Code, or other law;

15 (2) the general laws relating to road districts and
16 road utility districts created under Section 52(b), Article III,
17 Texas Constitution, including Chapters 257 and ~~[Chapter]~~ 441,
18 Transportation Code;

19 (3) Chapter 372, Local Government Code, in the same
20 manner as a municipality or a county;

21 (4) Chapter 375, Local Government Code; and

22 (5) Chapter 505, Local Government Code.

23 SECTION 5. Section 3828.102, Special District Local Laws
24 Code, is amended to read as follows:

25 Sec. 3828.102. IMPROVEMENT PROJECTS. The district may
26 provide, or it may enter into contracts with a governmental or
27 private entity to provide, the following types of improvement

1 projects or activities in support of or incidental to those
2 projects:

3 (1) a retail or wholesale water treatment, supply, and
4 distribution facility or system to provide potable and nonpotable
5 water to the residents and businesses of the district, including a
6 wastewater and sewerage collection and treatment facility or
7 system, provided that treated effluent water resulting from a
8 sewerage treatment facility operated by or in the district may be
9 used by the district for irrigation in the district;

10 (2) septic tank maintenance services inside or outside
11 the district and solid waste disposal services if the board
12 determines the action to be necessary and appropriate to protect
13 the district;

14 (3) a macadamized, graveled, or paved road, street, or
15 turnpike, inside and outside the district to the extent authorized
16 by Section 52, Article III, Texas Constitution;

17 (4) the planning, design, construction, improvement,
18 and maintenance of:

19 (A) landscaping;

20 (B) highway right-of-way or transit corridor
21 beautification and improvement;

22 (C) lighting, banners, and signs;

23 (D) a street or sidewalk;

24 (E) a hiking and cycling path or trail;

25 (F) a pedestrian walkway, skywalk, crosswalk, or
26 tunnel;

27 (G) a park, lake, garden, recreational facility,

1 sports facility, open space, scenic area, or related exhibit or
2 preserve;

3 (H) a fountain, plaza, or pedestrian mall; or

4 (I) a drainage or storm-water detention
5 improvement;

6 (5) protection and improvement of the quality of storm
7 water that flows through the district;

8 (6) the planning, design, construction, improvement,
9 maintenance, and operation of:

10 (A) a solid waste, water, sewer, or power
11 facility or service, including an electrical, gas, steam, or
12 chilled water facility; or

13 (B) an off-street parking facility or heliport;

14 (7) the planning and acquisition of:

15 (A) public art and sculpture and related exhibits
16 and facilities; or

17 (B) an educational and cultural exhibit or
18 facility;

19 (8) the planning, design, construction, acquisition,
20 lease, rental, improvement, maintenance, installation, and
21 management of and provision of furnishings for a facility for:

22 (A) a conference, convention, or exhibition;

23 (B) a manufacturer, consumer, or trade show;

24 (C) a civic, community, or institutional event;

25 or

26 (D) an exhibit, display, attraction, special
27 event, or seasonal or cultural celebration or holiday;

1 (9) the removal, razing, demolition, or clearing of
2 land or improvements in connection with an improvement project;

3 (10) the acquisition and improvement of land or other
4 property for the mitigation of the environmental effects of an
5 improvement project;

6 (11) the acquisition of property or an interest in
7 property in connection with an authorized improvement project;

8 (12) a special or supplemental service for the
9 improvement and promotion of the district or an area adjacent to the
10 district or for the protection of public health and safety in or
11 adjacent to the district, including:

12 (A) advertising;

13 (B) promotion;

14 (C) tourism;

15 (D) health and sanitation;

16 (E) public safety;

17 (F) security;

18 (G) fire protection or emergency medical
19 services;

20 (H) business recruitment;

21 (I) development;

22 (J) elimination of traffic congestion; and

23 (K) recreational, educational, or cultural
24 improvements, enhancements, and services; [~~or~~]

25 (13) a canal, waterway, bulkhead, or dock, inside or
26 outside the district's boundaries, that is necessary to, incidental
27 to, or in aid of the navigation of inland water;

1 (14) a floodplain or wetlands regulation project,
2 including the acquisition of necessary local, state, or federal
3 permits; or

4 (15) any similar public improvement, facility, or
5 service.

6 SECTION 6. Section 3828.151, Special District Local Laws
7 Code, is amended to read as follows:

8 Sec. 3828.151. GENERAL POWERS REGARDING FINANCIAL MATTERS.
9 The district may:

10 (1) impose an ad valorem tax [~~in accordance with~~
11 ~~Chapter 375, Local Government Code,~~] on all taxable property in the
12 district;

13 (2) impose an assessment or impact fee in the manner
14 provided for a municipality or county under Chapter 372, Local
15 Government Code, on all industrial, commercial, and residential
16 property in the district;

17 (3) impose and apply the proceeds from a sales and use
18 tax, and a hotel occupancy tax, as authorized by this chapter;

19 (4) impose a rate, fee, or charge for the use of an
20 improvement project or the consumption of a product resulting from
21 an improvement project;

22 (5) borrow money for a district purpose by issuing or
23 executing bonds, notes, credit agreements, or other obligations of
24 any kind found by the board to be necessary or appropriate for the
25 district purpose;

26 (6) establish, revise, repeal, enforce, collect, and
27 apply the proceeds from a user fee or charge for the enjoyment,

1 sale, rental, or other use of a district facility, service,
2 property, or improvement project;

3 (7) provide or secure the payment or repayment of the
4 costs and expenses of the establishment, administration, and
5 operation of the district and the district's costs or share of the
6 costs of an improvement project or district contractual obligation
7 or indebtedness by or through a lease, installment purchase
8 contract, or other agreement with any person, or the imposition of
9 taxes, user fees, concessions, rentals, or other revenues or
10 resources of the district;

11 (8) establish user charges related to the operation of
12 various public services, including public water supply services,
13 for the collection and treatment of wastewater, and for the
14 operation of storm-water facilities, including the regulation of
15 storm water for the protection of water quality in the district, and
16 for the provision of septic tank maintenance services inside and
17 outside the district;

18 (9) undertake separately or jointly with other persons
19 all or part of the cost of an improvement project, including an
20 improvement project:

21 (A) for improving, enhancing, and supporting
22 public safety and security, fire protection and emergency medical
23 services, and law enforcement in and adjacent to the district; or

24 (B) that confers a general benefit on the entire
25 district or a special benefit on a definable part of the district;
26 and

27 (10) enter into a tax abatement agreement in

1 accordance with the general laws of this state authorizing and
2 applicable to tax abatement agreements by municipalities.

3 SECTION 7. (a) All governmental and proprietary actions of
4 the Lake View Management and Development District taken before the
5 effective date of this Act are validated, ratified, and confirmed
6 in all respects as if the actions had been taken as authorized by
7 law.

8 (b) This section does not apply to any matter that on the
9 effective date of this Act:

10 (1) is involved in litigation if the litigation
11 ultimately results in the matter being held invalid by a final court
12 judgment; or

13 (2) has been held invalid by a final court judgment.

14 SECTION 8. The legislature finds that:

15 (1) proper and legal notice of the intention to
16 introduce this Act, setting forth the general substance of this
17 Act, has been published as provided by law, and the notice and a
18 copy of this Act have been furnished to all persons, agencies,
19 officials, or entities to which they are required to be furnished by
20 the constitution and laws of this state, including the governor,
21 who has submitted the notice and Act to the Texas Commission on
22 Environmental Quality;

23 (2) the Texas Commission on Environmental Quality has
24 filed its recommendations relating to this Act with the governor,
25 lieutenant governor, and speaker of the house of representatives
26 within the required time; and

27 (3) all requirements of the constitution and laws of

1 this state and the rules and procedures of the legislature with
2 respect to the notice, introduction, and passage of this Act have
3 been fulfilled and accomplished.

4 SECTION 9. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2009.