AN ACT

relating to the powers and duties of the Lake View Management and
Development District; providing authority to impose a tax and issue
bonds; granting certain powers relating to navigation
improvements; and granting powers of a road district.

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

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

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

(b) 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 district according to the most recent certified tax
appraisal roll for Henderson County, the Commissioners Court of
Henderson County shall appoint the necessary number of directors to
fill all board vacancies.

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

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

SECTION 3. Section 3828.055, Special District Local Laws
Code, is amended to read as follows:

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

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

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

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

(2) the general laws relating to road districts and road utility districts created under Section 52(b), Article III, Texas Constitution, including Chapters 257 and 441, Transportation Code;

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

(4) Chapter 375, Local Government Code; and


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

Sec. 3828.102. IMPROVEMENT PROJECTS. The district may provide, or it may enter into contracts with a governmental or private entity to provide, the following types of improvement
projects or activities in support of or incidental to those projects:

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

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

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

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

(A) landscaping;

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

(C) lighting, banners, and signs;

(D) a street or sidewalk;

(E) a hiking and cycling path or trail;

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

(G) a park, lake, garden, recreational facility,
sports facility, open space, scenic area, or related exhibit or preserve;

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

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

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

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

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

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

(7) the planning and acquisition of:

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

(B) an educational and cultural exhibit or facility;

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

(A) a conference, convention, or exhibition;

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

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

or

(D) an exhibit, display, attraction, special event, or seasonal or cultural celebration or holiday;
(9) the removal, razing, demolition, or clearing of
land or improvements in connection with an improvement project;
(10) the acquisition and improvement of land or other
property for the mitigation of the environmental effects of an
improvement project;
(11) the acquisition of property or an interest in
property in connection with an authorized improvement project;
(12) a special or supplemental service for the
improvement and promotion of the district or an area adjacent to the
district or for the protection of public health and safety in or
adjacent to the district, including:
   (A) advertising;
   (B) promotion;
   (C) tourism;
   (D) health and sanitation;
   (E) public safety;
   (F) security;
   (G) fire protection or emergency medical
services;
(H) business recruitment;
(I) development;
(J) elimination of traffic congestion; and
(K) recreational, educational, or cultural
improvements, enhancements, and services; [ex]
(13) 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;
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(14) a floodplain or wetlands regulation project,
including the acquisition of necessary local, state, or federal
permits; or

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

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

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

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

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

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

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

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

(6) establish, revise, repeal, enforce, collect, and
apply the proceeds from a user fee or charge for the enjoyment,
sale, rental, or other use of a district facility, service, property, or improvement project;

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

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

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

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

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

and

(10) enter into a tax abatement agreement in
accordance with the general laws of this state authorizing and
applicable to tax abatement agreements by municipalities.

SECTION 7. (a) All governmental and proprietary actions of
the Lake View Management and Development 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) This section does not apply to any matter that on the
effective date of this Act:

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

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

SECTION 8. The legislature finds that:

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

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

(3) all requirements of the constitution and laws of
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this state and the rules and procedures of the legislature with
respect to the notice, introduction, and passage of this Act have
been fulfilled and accomplished.

SECTION 9. 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.

David Dewhurst
President of the Senate

I hereby certify that S.B. No. 2503 passed the Senate on
April 24, 2009, by the following vote: Yeas 30, Nays 0.

Betsy James
Secretary of the Senate

I hereby certify that S.B. No. 2503 passed the House on
May 15, 2009, by the following vote: Yeas 144, Nays 0, one
present not voting.

Robert Hanxy
Chief Clerk of the House

Approved:

27 MAY '09

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
MAY 27, 2009

Secretary of State