

SUBJECT: Division of the Lake View Management and Development District

COMMITTEE: Urban Affairs — favorable, without amendment

VOTE: 4 ayes — Bailey, Menendez, Latham, Mallory Caraway
0 nays
3 absent — Murphy, Cohen, Martinez Fischer

WITNESSES: For — Lisa Ross, Lake View Management and Development District
Against — None

BACKGROUND: Special District Laws Code, ch. 3828 creates the Lake View Management and Development District in Henderson County. The chapter defines the district's governing structure, grants general powers regarding improvement and contracts, establishes authority regarding the use of eminent domain, designates procedures for the addition or removal of territory, and provides for financing and taxation.

Water Code, sec. 52.030 allows for a board to order a special election on its own motion or on presentation of a petition signed by 20 or more qualified taxpaying electors in a district. Sec 53.041 provides that if no supervisors are elected, or if a full board is not elected, a commissioners court will appoint the needed board members.

A district that is considering the annexation of land may elect to divide into two districts to provide for the delivery of services to the acquired area. A district requires specific statutory authorization in order to elect to divide into more than one entity.

DIGEST: HB 3696 would add Special District Local Laws Code, sec. 328.112 allowing the Lake View Management and Development District to be divided into two new districts, provided it had no outstanding bonded debt and was not imposing property taxes. A new district would have all the powers and duties of the existing district and a division would conform to procedures codified in Water Code, secs. 53.030 and 53.041.

The bill would grant that all District actions executed before the effective date would be validated, ratified, and confirmed unless they were the subject of litigation that resulted in a finding otherwise.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

NOTES:

HB 3696 was withdrawn from the May 4 Local, Consent, and Resolutions Calendar and transferred to the General State Calendar.