

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL  
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Laws Code  
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1 CHAPTER 7817. DENTON COUNTY LEVEE IMPROVEMENT DISTRICT NO. 1  
2 OF DENTON AND DALLAS COUNTIES, TEXAS

3 SUBCHAPTER A. GENERAL PROVISIONS

4 Revised Law

5 Sec. 7817.0101. DEFINITIONS. In this chapter:

6 (1) "Board" means the district's board of directors.

7 (2) "District" means the Denton County Levee  
8 Improvement District No. 1 of Denton and Dallas Counties, Texas.  
9 (Acts 69th Leg., R.S., Ch. 473, Sec. 1.)

10 Source Law

11 Sec. 1. In this Act:

12 (1) "District" means the Denton County  
13 Levee Improvement District No. 1 of Denton and Dallas  
14 Counties, Texas.

15 (2) "Board" means the district's board of  
16 directors.

17 Revised Law

18 Sec. 7817.0102. NATURE OF DISTRICT. The district is:

19 (1) a levee improvement district created under and  
20 essential to accomplish the purposes of Section 59, Article XVI,  
21 Texas Constitution; and

22 (2) a political subdivision of this state. (Acts 69th  
23 Leg., R.S., Ch. 473, Sec. 3.)

24 Source Law

25 Sec. 3. (a) The district is a levee  
26 improvement district created under and essential to  
27 accomplish the purposes of Section 59, Article XVI,  
28 Texas Constitution.

29 (b) The district is a political subdivision of  
30 the State of Texas and a body corporate and politic.

31 Revisor's Note

32 Section 3, Chapter 473, Acts of the 69th  
33 Legislature, Regular Session, 1985, provides that the  
34 district is a levee improvement district created under  
35 Section 59, Article XVI, Texas Constitution, which  
36 authorizes the creation of conservation and  
37 reclamation districts in this state. Section 3 also  
38 states that the district is "a body corporate and  
39 politic." The revised law omits the quoted language

1 because it duplicates a portion of Section 59(b),  
2 Article XVI, Texas Constitution.

3 Revised Law

4 Sec. 7817.0103. TERRITORY. The district boundaries form a  
5 closure. (Acts 69th Leg., R.S., Ch. 473, Sec. 2 (part).)

6 Source Law

7 Sec. 2. [The . . . district . . .] its  
8 boundaries are declared to form a closure.

9 Revised Law

10 Sec. 7817.0104. ANNEXATION OF TERRITORY. (a) The district  
11 may annex any territory the owner of which petitions for annexation  
12 by the method prescribed by Section 49.301, Water Code.

13 (b) At least 30 days before acting on a petition for  
14 annexation, the district shall notify all municipalities within  
15 whose boundaries the district or the land described in the petition  
16 is located. The notification must:

17 (1) be in writing;

18 (2) specify the time and place of the meeting to  
19 consider the petition;

20 (3) invite the municipality to appear at the meeting;  
21 and

22 (4) include a copy of the petition.

23 (c) Notwithstanding any other provision of this chapter,  
24 the district may annex only territory with a boundary contiguous to  
25 a district boundary. (Acts 69th Leg., R.S., Ch. 473, Sec. 5.)

26 Source Law

27 Sec. 5. The district may annex any territory,  
28 the owner of which petitions for annexation by the  
29 method prescribed by Sections 54.711 through 54.715,  
30 Water Code, as amended. Not less than 30 days prior to  
31 taking action on a petition for annexation, the  
32 district shall notify all municipalities within whose  
33 boundaries the district or the land described in the  
34 petition is located. The notification shall be in  
35 writing, shall specify the time and place of the  
36 meeting at which the petition is to be considered,  
37 shall invite the municipalities to appear at the  
38 meeting, and shall enclose a copy of the petition.  
39 Notwithstanding anything herein to the contrary, the  
40 district may not annex any territory whose boundary is  
41 not contiguous to that of the district.

1 Revisor's Note

2 Section 5, Chapter 473, Acts of the 69th  
3 Legislature, Regular Session, 1985, authorizes the  
4 district to annex territory the owner of which  
5 petitions for annexation by the method prescribed by  
6 "Sections 54.711 through 54.715, Water Code, as  
7 amended." The revised law substitutes for that  
8 reference a reference to Section 49.301, Water Code,  
9 because Chapter 715, Acts of the 74th Legislature,  
10 Regular Session, 1995, repealed Sections 54.711  
11 through 54.715, Water Code, and enacted Section 49.301  
12 of that code to govern the addition of land to certain  
13 districts by the petition of the landowner. Section  
14 49.301, Water Code, applies to the district under  
15 Sections 49.001 and 49.002 of that code. The revised  
16 law omits "as amended" because under Section 311.027,  
17 Government Code (Code Construction Act), a reference  
18 to a statute applies to all reenactments, revisions,  
19 or amendments of that statute unless expressly  
20 provided otherwise.

21 Revised Law

22 Sec. 7817.0105. APPLICABILITY OF OTHER LAW. Chapters 49  
23 and 57, Water Code, apply to the district except to the extent this  
24 chapter constitutes a modification of general law. (Acts 69th  
25 Leg., R.S., Ch. 473, Sec. 6.)

26 Source Law

27 Sec. 6. Chapters 49 and 57, Water Code, apply to  
28 the district except to the extent this Act constitutes  
29 a modification of the provisions of the general law.

30 Revisor's Note  
31 (End of Subchapter)

32 Section 2, Chapter 473, Acts of the 69th  
33 Legislature, Regular Session, 1985, validates the  
34 creation of the district and the actions of the  
35 district's board. The revised law omits the provision

1 because it served its purpose on the day it took effect  
2 and is executed law. Section 311.031(a)(2),  
3 Government Code (Code Construction Act), provides that  
4 the repeal of a statute does not affect any validation  
5 previously made under the statute. Therefore, the  
6 omission of the executed validation provision does not  
7 affect the validation. The omitted law reads:

8           Sec. 2. The creation of the district  
9           and the actions of its board of directors  
10           are hereby validated in all respects and  
11           . . . .

12                           SUBCHAPTER B. POWERS AND DUTIES

13   Revised Law

14           Sec. 7817.0201. AUTHORITY TO UNDERTAKE IMPROVEMENT  
15 PROJECTS OR SERVICES. (a) The board may undertake an improvement  
16 project or service that confers a special benefit on all or a  
17 definable part of the district.

18           (b) As needed to restore, preserve, or enhance the scenic  
19 and aesthetic beauty of an area in the district, the district may  
20 include in the improvement project or service the acquisition,  
21 construction, or financing of:

- 22                   (1) a drainage facility;  
23                   (2) a hiking and cycling trail;  
24                   (3) a pedestrian walkway along or across a street, at  
25 grade or above or below the surface;  
26                   (4) landscaping; and  
27                   (5) other development. (Acts 69th Leg., R.S., Ch.  
28 473, Secs. 6A(a), (c).)

29   Source Law

30           Sec. 6A. (a) The board may undertake an  
31 improvement project or service that confers a special  
32 benefit on all or a definable part of the district.

33           (c) As needed for the restoration,  
34 preservation, or enhancement of the scenic and  
35 aesthetic beauty of an area in the district, the  
36 district may provide an improvement project or service  
37 under this section that may include the acquisition,  
38 construction, or financing of:

- 39                   (1) a drainage facility;  
40                   (2) a hike and bike trail;

- 1 (3) a pedestrian way along or across a  
2 street, at grade or above or below the surface;  
3 (4) landscaping; and  
4 (5) other development.

5 Revised Law

6 Sec. 7817.0202. COMPACTED FILL AUTHORITY. The district may  
7 include compacted fill in the district's reclamation plan and may  
8 spend money and issue bonds to the full extent otherwise authorized  
9 by Chapters 49 and 57, Water Code, for payment of compacted fill.  
10 (Acts 69th Leg., R.S., Ch. 473, Sec. 4.)

11 Source Law

12 Sec. 4. The district shall have full power and  
13 authority to include compacted fill as part of its plan  
14 of reclamation and to expend funds and issue bonds, to  
15 the full extent otherwise authorized by Chapter 57,  
16 Water Code, as amended, for payment of compacted fill.

17 Revisor's Note

18 (1) Section 4, Chapter 473, Acts of the 69th  
19 Legislature, Regular Session, 1985, provides that the  
20 district "shall have full power and authority to"  
21 exercise certain powers. The revised law substitutes  
22 "may" for the quoted language because, in context, the  
23 meaning is the same and "may" is more commonly used.

24 (2) Section 4, Chapter 473, Acts of the 69th  
25 Legislature, Regular Session, 1985, refers to the  
26 district's authority to "expend funds." The revised  
27 law substitutes "spend money" for the quoted language  
28 because, in context, the meaning is the same and the  
29 latter is the more commonly used phrase.

30 (3) Section 4, Chapter 473, Acts of the 69th  
31 Legislature, Regular Session, 1985, refers to "Chapter  
32 57, Water Code, as amended." For the reader's  
33 convenience, the revised law adds a reference to  
34 Chapter 49, Water Code, because Chapter 715, Acts of  
35 the 74th Legislature, Regular Session, 1995, repealed  
36 many provisions of Chapter 57 and enacted similar  
37 provisions in Chapter 49, Water Code, which applies to  
38 the district under Sections 49.001 and 49.002 of that

1 chapter. The revised law omits "as amended" for the  
2 reason stated in the revisor's note to Section  
3 7817.0104.

4 SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

5 Revised Law

6 Sec. 7817.0301. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)

7 The board by resolution may impose an assessment for any purpose  
8 authorized by this chapter.

9 (b) An assessment, including an assessment resulting from  
10 an addition to or correction of the assessment roll by the district,  
11 a reassessment, penalties and interest on an assessment or  
12 reassessment, an expense of collection, and reasonable attorney's  
13 fees incurred by the district are:

14 (1) a first and prior lien against the property  
15 assessed;

16 (2) superior to any other lien or claim other than a  
17 lien or claim for county, school district, or municipal ad valorem  
18 taxes; and

19 (3) the personal liability of and a charge against the  
20 property owners even if the owners are not named in the assessment  
21 proceedings.

22 (c) The lien is effective from the date of the board's  
23 resolution imposing the assessment until the date the assessment is  
24 paid. The board may enforce the lien in the same manner that the  
25 board may enforce an ad valorem tax lien against real property.

26 (Acts 69th Leg., R.S., Ch. 473, Sec. 6C.)

27 Source Law

28 Sec. 6C. (a) The board by resolution may impose  
29 and collect an assessment for any purpose authorized  
30 by this chapter.

31 (b) An assessment, a reassessment, or an  
32 assessment resulting from an addition to or correction  
33 of the assessment roll by the district, penalties and  
34 interest on an assessment or reassessment, an expense  
35 of collection, and reasonable attorney's fees incurred  
36 by the district:

37 (1) are a first and prior lien against the  
38 property assessed;

39 (2) are superior to any other lien or claim  
40 other than a lien or claim for county, school district,

1 or municipal ad valorem taxes; and  
2 (3) are the personal liability of and a  
3 charge against the owners of the property even if the  
4 owners are not named in the assessment proceedings.

5 (c) The lien is effective from the date of the  
6 board's resolution imposing the assessment until the  
7 date the assessment is paid. The board may enforce the  
8 lien in the same manner that the board may enforce an  
9 ad valorem tax lien against real property.

10 Revisor's Note

11 Section 6C(a), Chapter 473, Acts of the 69th  
12 Legislature, Regular Session, 1985, states that the  
13 board by resolution may "impose and collect" an  
14 assessment. The revised law omits the reference to the  
15 authority to collect the assessment because the  
16 authority to impose the assessment necessarily implies  
17 the authority to collect it.

18 Revised Law

19 Sec. 7817.0302. AUTHORITY TO IMPOSE SPECIAL ASSESSMENTS FOR  
20 CERTAIN IMPROVEMENT PROJECTS OR SERVICES. (a) The board may impose  
21 a special assessment on property in the district based on the  
22 benefit conferred by an improvement project or service under  
23 Section 7817.0201 to pay all or part of the cost of the project or  
24 service.

25 (b) Sections 375.111 through 375.124, Local Government  
26 Code, apply to financing an improvement project or service under  
27 Section 7817.0201. (Acts 69th Leg., R.S., Ch. 473, Secs. 6A(b),  
28 (d).)

29 Source Law

30 (b) The board may impose and collect special  
31 assessments on property in the district, based on the  
32 benefit conferred by the project or service under this  
33 section, to pay all or part of the cost of the project  
34 or service.

35 (d) Sections 375.111 through 375.124, Local  
36 Government Code, apply to the financing of an  
37 improvement project or service under this section.

38 Revisor's Note

39 (1) Section 6A(b), Chapter 473, Acts of the 69th  
40 Legislature, Regular Session, 1985, states that the  
41 board may "impose and collect" an assessment. The



1 revised law omits the reference to the authority to  
2 collect the assessment for the reason stated in the  
3 revisor's note to Section 7817.0301.

4 (2) Sections 6A(b) and (d), Chapter 473, Acts of  
5 the 69th Legislature, Regular Session, 1985, refer to  
6 a project or service "under this section." Section 6A  
7 is revised in pertinent part in this chapter as Section  
8 7817.0201, and the revised law is drafted accordingly.

9 Revised Law

10 Sec. 7817.0303. PETITION REQUIRED FOR FINANCING  
11 IMPROVEMENT PROJECTS OR SERVICES THROUGH ASSESSMENTS. (a) The  
12 board may not finance an improvement project or service through an  
13 assessment imposed under this chapter unless a written petition  
14 requesting that improvement or service has been filed with the  
15 board.

16 (b) The petition must be signed by:

17 (1) the owners of a majority of the assessed value of  
18 real property in the district subject to assessment according to  
19 the most recent certified appraisal rolls for Denton and Dallas  
20 Counties; or

21 (2) the owners of a majority of the surface area of  
22 real property in the district subject to assessment as determined  
23 by the board. (Acts 69th Leg., R.S., Ch. 473, Sec. 6B.)

24 Source Law

25 Sec. 6B. (a) The board may not finance a service  
26 or improvement project with assessments under this Act  
27 unless a written petition requesting that service or  
28 improvement has been filed with the board.

29 (b) A petition filed under Subsection (a) of  
30 this section must be signed by:

31 (1) the owners of a majority of the  
32 assessed value of real property in the district  
33 subject to assessment according to the most recent  
34 certified appraisal rolls for Denton and Dallas  
35 Counties; or

36 (2) the owners of a majority of the surface  
37 area of real property in the district subject to  
38 assessment as determined by the board.

39 Revised Law

40 Sec. 7817.0304. IMPACT FEE AND ASSESSMENT EXEMPTIONS. The

1 district may not impose an impact fee or assessment on:

2 (1) single-family residential property; or

3 (2) the property, including the equipment,  
4 rights-of-way, facilities, or improvements, of:

5 (A) an electric utility or a power generation  
6 company as defined by Section 31.002, Utilities Code;

7 (B) a gas utility as defined by Section 101.003  
8 or 121.001, Utilities Code;

9 (C) a telecommunications provider as defined by  
10 Section 51.002, Utilities Code; or

11 (D) a person who provides to the public cable  
12 television or advanced telecommunications services. (Acts 69th  
13 Leg., R.S., Ch. 473, Secs. 6D, 6F.)

14 Source Law

15 Sec. 6D. The district may not impose an impact  
16 fee or assessment on single-family residential  
17 property.

18 Sec. 6F. The district may not impose an impact  
19 fee or assessment on the property, including the  
20 equipment, rights-of-way, facilities, or  
21 improvements, of:

22 (1) an electric utility or a power  
23 generation company as defined by Section 31.002,  
24 Utilities Code;

25 (2) a gas utility as defined by Section  
26 101.003 or 121.001, Utilities Code;

27 (3) a telecommunications provider as  
28 defined by Section 51.002, Utilities Code; or

29 (4) a person who provides to the public  
30 cable television or advanced telecommunications  
31 services.

32 Revised Law

33 Sec. 7817.0305. BONDS AND OTHER OBLIGATIONS. (a) The  
34 district may issue bonds or other obligations payable wholly or  
35 partly from ad valorem taxes, assessments, impact fees, revenue,  
36 grants, or other district money, or any combination of those  
37 sources, to pay for any authorized district purpose.

38 (b) In exercising the district's power to borrow, the  
39 district may issue a bond or other obligation in the form of a bond,  
40 note, certificate of participation or other instrument evidencing a  
41 proportionate interest in payments to be made by the district, or

1 other type of obligation.

2 (c) The district must obtain approval from the City of  
3 Lewisville before issuing bonds under this section. (Acts 69th  
4 Leg., R.S., Ch. 473, Sec. 6E.)

5 Source Law

6 Sec. 6E. (a) The district may issue bonds or  
7 other obligations payable wholly or partly from ad  
8 valorem taxes, assessments, impact fees, revenue,  
9 grants, or other district money, or any combination of  
10 those sources, to pay for any authorized district  
11 purpose.

12 (b) In exercising the district's power to  
13 borrow, the district may issue a bond or other  
14 obligation in the form of a bond, note, certificate of  
15 participation or other instrument evidencing a  
16 proportionate interest in payments to be made by the  
17 district, or other type of obligation.

18 (c) The district must obtain approval by the  
19 City of Lewisville before issuing bonds under this  
20 section.

21 Revisor's Note  
22 (End of Chapter)

23 Section 6, Chapter 962, Acts of the 80th  
24 Legislature, Regular Session, 2007, recites  
25 legislative findings regarding procedural  
26 requirements for legislation affecting the district  
27 under the constitution and other laws and rules,  
28 including providing proper legal notice and filing  
29 recommendations. The revised law omits those  
30 provisions as executed. The omitted law reads:

31 Sec. 6. (a) The legal notice of the  
32 intention to introduce this Act, setting  
33 forth the general substance of this Act, has  
34 been published as provided by law, and the  
35 notice and a copy of this Act have been  
36 furnished to all persons, agencies,  
37 officials, or entities to which they are  
38 required to be furnished under Section 59,  
39 Article XVI, Texas Constitution, and  
40 Chapter 313, Government Code.

41 (b) The governor, one of the required  
42 recipients, has submitted the notice and  
43 Act to the Texas Commission on  
44 Environmental Quality.

45 (c) The Texas Commission on  
46 Environmental Quality has filed its  
47 recommendations relating to this Act with  
48 the governor, the lieutenant governor, and  
49 the speaker of the house of representatives  
50 within the required time.

51 (d) All requirements of the  
52 constitution and laws of this state and the

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