

## **BILL ANALYSIS**

H.B. 3313  
By: Gonzales  
Border & Intergovernmental Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The 80th Legislature, Regular Session, 2007, enacted H.B. 573, which allowed counties within 150 miles of an international border to distribute the cost of installation, operation, and maintenance of street lights to the residents benefiting from the lights. However, those counties currently have no means by which to secure payment.

H.B. 3313 authorizes the commissioners court of a county within 150 miles of the border to obtain a lien against property to secure payment of a fee for installation, operation, and maintenance of street lights.

### **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**

H.B. 3313 amends the Transportation Code to authorize the commissioners court of a county that has any of its territory located within 150 miles of an international border to obtain a lien against property to secure payment of a fee imposed by an order authorized for the establishment of street lights on a county road in a subdivision in an unincorporated area of the county. The bill requires the commissioners court, to obtain such a lien, to file a notice that contains a statement of the fee assessed, a legal description of the property sufficient to identify the property, and the name of the property owner, if known, with the county clerk of the county in which the property is located. The bill establishes that the county's lien to secure payment of such a fee attaches when the notice of lien is filed and is inferior to a previously recorded bona fide mortgage lien attached to the real property to which the county's lien attaches, if the mortgage was filed for record in the office of the county clerk of the county in which the real property is located before the date on which the county files the notice of lien with the county clerk.

### **EFFECTIVE DATE**

September 1, 2009.