

By: Martinez

H.B. No. 3002

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the fee collected for the provision of providing street
3 lights in a subdivision in the unincorporated area of certain
4 counties and the authority of said county to obtain a lien against
5 property of a landowner to secure payment of a fee for the
6 installation, operation, and maintenance of street lights.

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

8 SECTION 1. Section 280.003, Transportation Code, is amended
9 by adding subsection (d), (e), (f), (g), and (h) to read as follows:

10 (d) The county tax assessor-collector shall add the fees
11 collected in subsection (b) to the annual property tax statement
12 for those land owners who benefit from the street lights, collect
13 said fees, and transfer said fees to the county.

14 (e) The commissioners court of a county may obtain a lien
15 against property to secure payment of a fee imposed by an order
16 authorized by this section.

17 (f) To obtain a lien against the property to secure payment
18 of the fee, the commissioners court of the county must file a notice
19 that contains a statement of the fee assessed, a legal description
20 of the property sufficient to identify the property, and the name of
21 the property owner, if known, with the county clerk of the county in
22 which the property is located.

23 (g) The county's lien to secure payment of a fee imposed by
24 an order authorized by this section attaches when the notice of lien

1 is filed and is inferior to a previously recorded bona fide mortgage
2 lien attached to the real property to which the county's lien
3 attaches, if the mortgage was filed for record in the office of the
4 county clerk of the county in which the real property is located
5 before the date on which the county files the notice of lien with
6 the county clerk.

7 (h) The county which obtains a lien to secure payment of a
8 fee imposed by an order authorized by this section may not foreclose
9 on any property for which the only outstanding lien against that
10 property is the lien obtained under this section.

11 SECTION 2. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2015.