

1-1 By: Martinez, Muñoz, Jr. H.B. No. 3002
1-2 (Senate Sponsor - Hinojosa)
1-3 (In the Senate - Received from the House May 18, 2015;
1-4 May 19, 2015, read first time and referred to Committee on
1-5 Administration; May 24, 2015, reported favorably by the following
1-6 vote: Yeas 4, Nays 0; May 24, 2015, sent to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-8 | | | | |
| 1-9 | X | | | |
| 1-10 | X | | | |
| 1-11 | | | X | |
| 1-12 | | | X | |
| 1-13 | X | | | |
| 1-14 | X | | | |
| 1-15 | | | X | |

1-16 A BILL TO BE ENTITLED
1-17 AN ACT

1-18 relating to the fee imposed on certain property owners by a county
1-19 for the establishment of street lights along a county road.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 280.003, Transportation Code, is amended
1-22 by amending Subsection (b) and adding Subsections (d), (e), and (f)
1-23 to read as follows:

1-24 (b) The commissioners court of a the county may by order
1-25 provide for the establishment of street lights along a county road
1-26 located in a subdivision. The order may provide for:

1-27 (1) the installation, operation, and maintenance of
1-28 the street lights by:

1-29 (A) the county; or

1-30 (B) another public or private entity with which
1-31 the county may contract;

1-32 (2) the imposition of a fee on landowners in the
1-33 subdivision who benefit from the street lights;

1-34 (3) the collection of a fee imposed under this
1-35 subsection by ~~+~~

1-36 ~~[(A)] the county tax assessor-collector[, or~~

1-37 ~~[(B)] another public or private entity with which~~
1-38 ~~the county may contract]; and~~

1-39 (4) any other matter the commissioners court finds
1-40 necessary to the installation, operation, or maintenance of the
1-41 street lights.

1-42 (d) The county tax assessor-collector of a county in which a
1-43 fee is imposed under this section shall include the fee in the tax
1-44 bill prepared under Section 31.01, Tax Code, for each landowner
1-45 whose real property is benefited by the street lights for which the
1-46 fee is imposed. The tax bill must separately state the amount of
1-47 the fee imposed under this section. The county tax
1-48 assessor-collector shall collect the fee for the county in the same
1-49 manner that the county tax assessor-collector collects ad valorem
1-50 taxes for the county.

1-51 (e) A commissioners court may obtain a lien against real
1-52 property benefited by the street lights for which a fee is imposed
1-53 under this section to secure payment of the fee. To obtain the lien,
1-54 the commissioners court must file a notice with the county clerk of
1-55 the county in which the property is located that includes:

1-56 (1) a statement that the fee has been imposed on the
1-57 landowner and the amount of the fee;

1-58 (2) a legal description of the property on which the
1-59 lien is to be attached sufficient to identify the property; and

1-60 (3) the name of the landowner, if known.

1-61 (f) The lien authorized by this section exists in favor of

2-1 the county. The lien attaches to the real property on the date the
2-2 notice of lien is filed with the county clerk. The lien is inferior
2-3 to a mortgage lien recorded with the county clerk before the date
2-4 the lien authorized by this section attaches to the property. A
2-5 county may not foreclose a lien authorized by this section if the
2-6 lien is the only lien attached to the property.

2-7 SECTION 2. The changes in law made by this Act apply only to
2-8 a fee imposed by a county under Section 280.003, Transportation
2-9 Code, as amended by this Act, on or after the effective date of this
2-10 Act.

2-11 SECTION 3. This Act takes effect September 1, 2015.

2-12 * * * * *