

By: Isaac

H.B. No. 4310

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the temporary board of and financing of certain  
3 facilities and improvements by the LaSalle Municipal Utility  
4 District No. 1; providing authority to impose an assessment.

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

6 SECTION 1. Sections [8472.052](#)(a) and (b), Special District  
7 Local Laws Code, are amended to read as follows:

8 (a) The temporary board consists of:

9 (1) Chuck Kaufman;

10 (2) Eric Willis;

11 (3) Chris Gee;

12 (4) Kristi LaRue; and

13 (5) Doug Goss [~~On or after the effective date of the~~  
14 ~~Act enacting this chapter, the owner or owners of a majority of the~~  
15 ~~assessed value of the real property in the district may submit a~~  
16 ~~petition to the commission requesting that the commission appoint~~  
17 ~~as temporary directors the five persons named in the petition. The~~  
18 ~~commission shall appoint as temporary directors the five persons~~  
19 ~~named in the petition].~~

20 (b) Temporary directors serve until the earlier of:

21 (1) the date permanent directors are elected under  
22 Section [8472.003](#); or

23 (2) the fourth anniversary of the effective date of  
24 their designation [~~the Act enacting this chapter~~].

1 SECTION 2. Chapter 8472, Special District Local Laws Code,  
2 is amended by adding Subchapter F to read as follows:

3 SUBCHAPTER F. ASSESSMENTS; APPLICABILITY OF ASSESSMENTS

4 Sec. 8472.251. PETITION REQUIRED FOR FINANCING  
5 IMPROVEMENTS AND RECREATIONAL FACILITIES WITH ASSESSMENTS. (a)  
6 Except as provided by this subchapter, the board may finance the  
7 construction or maintenance of a recreational facility or  
8 improvement with assessments on property under this subchapter only  
9 if:

10 (1) a written petition requesting that facility or  
11 improvement has been filed with the board; and

12 (2) the board holds a hearing on the proposed  
13 assessments.

14 (b) The petition must be signed by the owners of a majority  
15 of the assessed value of real property in the district subject to  
16 assessment according to the most recent certified tax appraisal  
17 roll for the county.

18 Sec. 8472.252. MISCELLANEOUS DESIGN, CONSTRUCTION, AND  
19 MAINTENANCE. An improvement or recreational facility project may  
20 include the planning, design, construction, improvement, and  
21 maintenance of:

22 (1) landscaping;

23 (2) marinas and bridges;

24 (3) lighting, banners, and signs;

25 (4) hiking and cycling paths or trails;

26 (5) sidewalks, pedestrian walkways, skywalks,  
27 crosswalks, or tunnels;

- 1           (6) ponds, lakes, recreational facilities, or scenic
- 2 areas;
- 3           (7) plazas or pedestrian malls;
- 4           (8) drainage or navigation improvements; or
- 5           (9) solid waste, water, sewer, or power facilities,
- 6 including electrical and gas power facilities.

7           Sec. 8472.253. METHOD OF NOTICE FOR HEARING. The district

8 shall mail notice of the hearing to each property owner in the

9 district who will be subject to the assessment at the current

10 address to be assessed as reflected on the tax rolls. The district

11 may mail the notice by certified or first class United States mail.

12 The board shall determine the method of notice.

13           Sec. 8472.254. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) An

14 assessment or a reassessment imposed under this subchapter by the

15 district, penalties and interest on an assessment or reassessment,

16 an expense of collection, and reasonable attorney's fees incurred

17 by the district:

- 18           (1) are a first and prior lien against the property
- 19 assessed;
- 20           (2) are superior to any other lien or claim other than
- 21 a lien or claim for county, school district, or municipal ad valorem
- 22 taxes; and
- 23           (3) are the personal liability of and a charge against
- 24 the owners of the property even if the owners are not named in the
- 25 assessment proceedings.

26           (b) The lien is effective from the date of the board's

27 resolution imposing the assessment until the date the assessment is

1 paid. The board may enforce the lien in the same manner that the  
2 board may enforce an ad valorem tax lien against real property.

3 (c) The board may make a correction to or deletion from the  
4 assessment roll that does not increase the amount of assessment of  
5 any parcel of land without providing notice and holding a hearing in  
6 the manner required for additional assessments.

7 Sec. 8472.255. UTILITY PROPERTY EXEMPT FROM ASSESSMENTS.

8 The district may not impose an assessment on the property,  
9 including the equipment, rights-of-way, facilities, or  
10 improvements, of:

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

13 (2) a gas utility as defined by Section 101.003 or  
14 121.001, Utilities Code;

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

17 (4) a person who provides to the public cable  
18 television or advanced telecommunications services.

19 SECTION 3. (a) All governmental and proprietary actions of  
20 the LaSalle Municipal Utility District No. 1 taken before the  
21 effective date of this Act, including the creation of the district,  
22 the consent to create the district granted by the City of San  
23 Marcos, the consent agreement relating to the district and any  
24 amendments to that agreement, and any extension of time in which to  
25 hold a confirmation election for the district, are validated,  
26 ratified, and confirmed in all respects.

27 (b) This section does not apply to any matter that on the

1 effective date of this Act:

2 (1) is involved in litigation if the litigation  
3 ultimately results in the matter being held invalid by a final court  
4 judgment; or

5 (2) has been held invalid by a final court judgment.

6 SECTION 4. (a) The legal notice of the intention to  
7 introduce this Act, setting forth the general substance of this  
8 Act, has been published as provided by law, and the notice and a  
9 copy of this Act have been furnished to all persons, agencies,  
10 officials, or entities to which they are required to be furnished  
11 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
12 Government Code.

13 (b) The governor, one of the required recipients, has  
14 submitted the notice and Act to the Texas Commission on  
15 Environmental Quality.

16 (c) The Texas Commission on Environmental Quality has filed  
17 its recommendations relating to this Act with the governor, the  
18 lieutenant governor, and the speaker of the house of  
19 representatives within the required time.

20 (d) All requirements of the constitution and laws of this  
21 state and the rules and procedures of the legislature with respect  
22 to the notice, introduction, and passage of this Act are fulfilled  
23 and accomplished.

24 SECTION 5. For purposes of Section 8472.052(b)(2), Special  
25 District Local Laws Code, as amended by this Act, the effective date  
26 of the temporary directors' designation is the effective date of  
27 this Act.

1           SECTION 6. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2017.