

1-1 By: Isaac (Senate Sponsor - Zaffirini) H.B. No. 4310  
 1-2 (In the Senate - Received from the House May 19, 2017;  
 1-3 May 19, 2017, read first time and referred to Committee on  
 1-4 Administration; May 22, 2017, reported favorably by the following  
 1-5 vote: Yeas 6, Nays 0, 1 present not voting; May 22, 2017, sent to  
 1-6 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 temporary board of and financing of certain  
 1-19 facilities and improvements by the LaSalle Municipal Utility  
 1-20 District No. 1; providing authority to impose an assessment.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Sections 8472.052(a) and (b), Special District  
 1-23 Local Laws Code, are amended to read as follows:

1-24 (a) The temporary board consists of:

1-25 (1) Chuck Kaufman;

1-26 (2) Eric Willis;

1-27 (3) Chris Gee;

1-28 (4) Kristi LaRue; and

1-29 (5) Doug Goss ~~[On or after the effective date of the~~

1-30 ~~Act enacting this chapter, the owner or owners of a majority of the~~

1-31 ~~assessed value of the real property in the district may submit a~~

1-32 ~~petition to the commission requesting that the commission appoint~~

1-33 ~~as temporary directors the five persons named in the petition. The~~

1-34 ~~commission shall appoint as temporary directors the five persons~~

1-35 ~~named in the petition].~~

1-36 (b) Temporary directors serve until the earlier of:

1-37 (1) the date permanent directors are elected under  
 1-38 Section 8472.003; or

1-39 (2) the fourth anniversary of the effective date of  
 1-40 their designation ~~[the Act enacting this chapter].~~

1-41 SECTION 2. Chapter 8472, Special District Local Laws Code,  
 1-42 is amended by adding Subchapter F to read as follows:

1-43 SUBCHAPTER F. ASSESSMENTS; APPLICABILITY OF ASSESSMENTS

1-44 Sec. 8472.251. PETITION REQUIRED FOR FINANCING  
 1-45 IMPROVEMENTS AND RECREATIONAL FACILITIES WITH ASSESSMENTS. (a)

1-46 Except as provided by this subchapter, the board may finance the

1-47 construction or maintenance of a recreational facility or

1-48 improvement with assessments on property under this subchapter only

1-49 if:

1-50 (1) a written petition requesting that facility or  
 1-51 improvement has been filed with the board; and

1-52 (2) the board holds a hearing on the proposed  
 1-53 assessments.

1-54 (b) The petition must be signed by the owners of a majority  
 1-55 of the assessed value of real property in the district subject to

1-56 assessment according to the most recent certified tax appraisal  
 1-57 roll for the county.

1-58 Sec. 8472.252. MISCELLANEOUS DESIGN, CONSTRUCTION, AND  
 1-59 MAINTENANCE. An improvement or recreational facility project may

1-60 include the planning, design, construction, improvement, and  
 1-61 maintenance of:

- 2-1           (1) landscaping;
- 2-2           (2) marinas and bridges;
- 2-3           (3) lighting, banners, and signs;
- 2-4           (4) hiking and cycling paths or trails;
- 2-5           (5) sidewalks, pedestrian walkways, skywalks,
- 2-6 crosswalks, or tunnels;
- 2-7           (6) ponds, lakes, recreational facilities, or scenic
- 2-8 areas;
- 2-9           (7) plazas or pedestrian malls;
- 2-10          (8) drainage or navigation improvements; or
- 2-11          (9) solid waste, water, sewer, or power facilities,
- 2-12 including electrical and gas power facilities.

2-13          Sec. 8472.253. METHOD OF NOTICE FOR HEARING. The district  
 2-14 shall mail notice of the hearing to each property owner in the  
 2-15 district who will be subject to the assessment at the current  
 2-16 address to be assessed as reflected on the tax rolls. The district  
 2-17 may mail the notice by certified or first class United States mail.  
 2-18 The board shall determine the method of notice.

2-19          Sec. 8472.254. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) An  
 2-20 assessment or a reassessment imposed under this subchapter by the  
 2-21 district, penalties and interest on an assessment or reassessment,  
 2-22 an expense of collection, and reasonable attorney's fees incurred  
 2-23 by the district:

- 2-24           (1) are a first and prior lien against the property
- 2-25 assessed;
- 2-26           (2) are superior to any other lien or claim other than
- 2-27 a lien or claim for county, school district, or municipal ad valorem
- 2-28 taxes; and
- 2-29           (3) are the personal liability of and a charge against
- 2-30 the owners of the property even if the owners are not named in the
- 2-31 assessment proceedings.

2-32          (b) The lien is effective from the date of the board's  
 2-33 resolution imposing the assessment until the date the assessment is  
 2-34 paid. The board may enforce the lien in the same manner that the  
 2-35 board may enforce an ad valorem tax lien against real property.

2-36          (c) The board may make a correction to or deletion from the  
 2-37 assessment roll that does not increase the amount of assessment of  
 2-38 any parcel of land without providing notice and holding a hearing in  
 2-39 the manner required for additional assessments.

2-40          Sec. 8472.255. UTILITY PROPERTY EXEMPT FROM ASSESSMENTS.  
 2-41 The district may not impose an assessment on the property,  
 2-42 including the equipment, rights-of-way, facilities, or  
 2-43 improvements, of:

- 2-44           (1) an electric utility or a power generation company
- 2-45 as defined by Section 31.002, Utilities Code;
- 2-46           (2) a gas utility as defined by Section 101.003 or
- 2-47 121.001, Utilities Code;
- 2-48           (3) a telecommunications provider as defined by
- 2-49 Section 51.002, Utilities Code; or
- 2-50           (4) a person who provides to the public cable
- 2-51 television or advanced telecommunications services.

2-52          SECTION 3. (a) All governmental and proprietary actions of  
 2-53 the LaSalle Municipal Utility District No. 1 taken before the  
 2-54 effective date of this Act, including the creation of the district,  
 2-55 the consent to create the district granted by the City of San  
 2-56 Marcos, the consent agreement relating to the district and any  
 2-57 amendments to that agreement, and any extension of time in which to  
 2-58 hold a confirmation election for the district, are validated,  
 2-59 ratified, and confirmed in all respects.

2-60          (b) This section does not apply to any matter that on the  
 2-61 effective date of this Act:

- 2-62           (1) is involved in litigation if the litigation
- 2-63 ultimately results in the matter being held invalid by a final court
- 2-64 judgment; or
- 2-65           (2) has been held invalid by a final court judgment.

2-66          SECTION 4. (a) The legal notice of the intention to  
 2-67 introduce this Act, setting forth the general substance of this  
 2-68 Act, has been published as provided by law, and the notice and a  
 2-69 copy of this Act have been furnished to all persons, agencies,

3-1 officials, or entities to which they are required to be furnished  
3-2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
3-3 Government Code.

3-4 (b) The governor, one of the required recipients, has  
3-5 submitted the notice and Act to the Texas Commission on  
3-6 Environmental Quality.

3-7 (c) The Texas Commission on Environmental Quality has filed  
3-8 its recommendations relating to this Act with the governor, the  
3-9 lieutenant governor, and the speaker of the house of  
3-10 representatives within the required time.

3-11 (d) All requirements of the constitution and laws of this  
3-12 state and the rules and procedures of the legislature with respect  
3-13 to the notice, introduction, and passage of this Act are fulfilled  
3-14 and accomplished.

3-15 SECTION 5. For purposes of Section 8472.052(b)(2), Special  
3-16 District Local Laws Code, as amended by this Act, the effective date  
3-17 of the temporary directors' designation is the effective date of  
3-18 this Act.

3-19 SECTION 6. This Act takes effect immediately if it receives  
3-20 a vote of two-thirds of all the members elected to each house, as  
3-21 provided by Section 39, Article III, Texas Constitution. If this  
3-22 Act does not receive the vote necessary for immediate effect, this  
3-23 Act takes effect September 1, 2017.

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