

By: Zaffirini

S.B. No. 2295

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. Section 8472.201, Special District Local Laws
2 Code, is amended to read as follows:

3 Sec. 8472.201. AUTHORITY TO ISSUE BONDS AND OTHER
4 OBLIGATIONS. (a) Except as provided by Subsection (b), the [The]
5 district may issue bonds or other obligations payable wholly or
6 partly from ad valorem taxes, impact fees, revenue, contract
7 payments, grants, or other district money, or any combination of
8 those sources, to pay for any authorized district purpose.

9 (b) The district may not issue bonds payable wholly or
10 partly from assessments.

11 SECTION 3. Chapter 8472, Special District Local Laws Code,
12 is amended by adding Subchapter F to read as follows:

13 SUBCHAPTER F. ASSESSMENTS; APPLICABILITY OF ASSESSMENTS

14 Sec. 8472.251. PETITION REQUIRED FOR FINANCING
15 IMPROVEMENTS AND RECREATIONAL FACILITIES WITH ASSESSMENTS.

16 (a) Except as provided by this subchapter, the board may finance
17 the construction or maintenance of a recreational facility or
18 improvement with assessments on property under this subchapter only
19 if:

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

22 (2) the board holds a hearing on the proposed
23 assessments.

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

1 Sec. 8472.252. MISCELLANEOUS DESIGN, CONSTRUCTION, AND
2 MAINTENANCE. An improvement or recreational facility project may
3 include the planning, design, construction, improvement, and
4 maintenance of:

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

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

23 Sec. 8472.254. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) An
24 assessment or a reassessment imposed under this subchapter by the
25 district, penalties and interest on an assessment or reassessment,
26 an expense of collection, and reasonable attorney's fees incurred
27 by the district:

1 (1) are a first and prior lien against the property
2 assessed;

3 (2) are superior to any other lien or claim other than
4 a lien or claim for county, school district, or municipal ad valorem
5 taxes; and

6 (3) are the personal liability of and a charge against
7 the owners of the property even if the owners are not named in the
8 assessment proceedings.

9 (b) The lien is effective from the date of the board's
10 resolution imposing the assessment until the date the assessment is
11 paid. The board may enforce the lien in the same manner that the
12 board may enforce an ad valorem tax lien against real property.

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

17 Sec. 8472.255. UTILITY PROPERTY EXEMPT FROM ASSESSMENTS.
18 The district may not impose an assessment on the property,
19 including the equipment, rights-of-way, facilities, or
20 improvements, of:

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

23 (2) a gas utility as defined by Section 101.003 or
24 121.001, Utilities Code;

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

27 (4) a person who provides to the public cable

1 television or advanced telecommunications services.

2 SECTION 4. (a) All governmental and proprietary actions of
3 the LaSalle Municipal Utility District No. 1 taken before the
4 effective date of this Act, including the creation of the district,
5 the consent to create the district granted by the City of San
6 Marcos, the consent agreement relating to the district and any
7 amendments to that agreement, and any extension of time in which to
8 hold a confirmation election for the district, are validated,
9 ratified, and confirmed in all respects.

10 (b) This section does not apply to any matter that on the
11 effective date of this Act:

12 (1) is involved in litigation if the litigation
13 ultimately results in the matter being held invalid by a final court
14 judgment; or

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

16 SECTION 5. (a) The legal notice of the intention to
17 introduce this Act, setting forth the general substance of this
18 Act, has been published as provided by law, and the notice and a
19 copy of this Act have been furnished to all persons, agencies,
20 officials, or entities to which they are required to be furnished
21 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
22 Government Code.

23 (b) The governor, one of the required recipients, has
24 submitted the notice and Act to the Texas Commission on
25 Environmental Quality.

26 (c) The Texas Commission on Environmental Quality has filed
27 its recommendations relating to this Act with the governor, the

1 lieutenant governor, and the speaker of the house of
2 representatives within the required time.

3 (d) All requirements of the constitution and laws of this
4 state and the rules and procedures of the legislature with respect
5 to the notice, introduction, and passage of this Act are fulfilled
6 and accomplished.

7 SECTION 6. For purposes of Section [8472.052\(b\)\(2\)](#), Special
8 District Local Laws Code, as amended by this Act, the effective date
9 of the temporary directors' designation is the effective date of
10 this Act.

11 SECTION 7. 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, 2017.