

1-1 By: Zaffirini S.B. No. 2295
 1-2 (In the Senate - Filed May 12, 2017; May 15, 2017, read
 1-3 first time and referred to Committee on Intergovernmental
 1-4 Relations; May 17, 2017, reported favorably, as amended, by the
 1-5 following vote: Yeas 5, Nays 0; May 17, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Lucio	X			
1-8 Bettencourt	X			
1-9 Campbell			X	
1-10 Garcia	X			
1-11 Huffines	X			
1-12 Menéndez			X	
1-13 Taylor of Collin	X			

1-15 COMMITTEE AMENDMENT NO. 1 By: Bettencourt

1-16 Amend S.B. No. 2295 (introduced version) by adding the
 1-17 following appropriately numbered SECTION to the bill and
 1-18 renumbering SECTIONS of the bill accordingly:
 1-19 SECTION 2. Section 8472.201, Special District Local Laws
 1-20 Code, is amended to read as follows:
 1-21 Sec. 8472.201. AUTHORITY TO ISSUE BONDS AND OTHER
 1-22 OBLIGATIONS. (a) Except as provided by Subsection (b), the [The]
 1-23 district may issue bonds or other obligations payable wholly or
 1-24 partly from ad valorem taxes, impact fees, revenue, contract
 1-25 payments, grants, or other district money, or any combination of
 1-26 those sources, to pay for any authorized district purpose.
 1-27 (b) The district may not issue bonds payable wholly or
 1-28 partly from assessments.

1-29 A BILL TO BE ENTITLED
 1-30 AN ACT

1-31 relating to the temporary board of and financing of certain
 1-32 facilities and improvements by the LaSalle Municipal Utility
 1-33 District No. 1; providing authority to impose an assessment.
 1-34 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-35 SECTION 1. Sections 8472.052(a) and (b), Special District
 1-36 Local Laws Code, are amended to read as follows:
 1-37 (a) The temporary board consists of:
 1-38 (1) Chuck Kaufman;
 1-39 (2) Eric Willis;
 1-40 (3) Chris Gee;
 1-41 (4) Kristi LaRue; and
 1-42 (5) Doug Goss [~~On or after the effective date of the~~
 1-43 ~~Act enacting this chapter, the owner or owners of a majority of the~~
 1-44 ~~assessed value of the real property in the district may submit a~~
 1-45 ~~petition to the commission requesting that the commission appoint~~
 1-46 ~~as temporary directors the five persons named in the petition. The~~
 1-47 ~~commission shall appoint as temporary directors the five persons~~
 1-48 ~~named in the petition].
 1-49 (b) Temporary directors serve until the earlier of:
 1-50 (1) the date permanent directors are elected under
 1-51 Section 8472.003; or
 1-52 (2) the fourth anniversary of the effective date of
 1-53 their designation [~~the Act enacting this chapter].
 1-54 SECTION 2. Chapter 8472, Special District Local Laws Code,
 1-55 is amended by adding Subchapter F to read as follows:
 1-56 SUBCHAPTER F. ASSESSMENTS; APPLICABILITY OF ASSESSMENTS
 1-57 Sec. 8472.251. PETITION REQUIRED FOR FINANCING
 1-58 IMPROVEMENTS AND RECREATIONAL FACILITIES WITH ASSESSMENTS.
 1-59 (a) Except as provided by this subchapter, the board may finance~~~~

2-1 the construction or maintenance of a recreational facility or
2-2 improvement with assessments on property under this subchapter only
2-3 if:

2-4 (1) a written petition requesting that facility or
2-5 improvement has been filed with the board; and

2-6 (2) the board holds a hearing on the proposed
2-7 assessments.

2-8 (b) The petition must be signed by the owners of a majority
2-9 of the assessed value of real property in the district subject to
2-10 assessment according to the most recent certified tax appraisal
2-11 roll for the county.

2-12 Sec. 8472.252. MISCELLANEOUS DESIGN, CONSTRUCTION, AND
2-13 MAINTENANCE. An improvement or recreational facility project may
2-14 include the planning, design, construction, improvement, and
2-15 maintenance of:

2-16 (1) landscaping;

2-17 (2) marinas and bridges;

2-18 (3) lighting, banners, and signs;

2-19 (4) hiking and cycling paths or trails;

2-20 (5) sidewalks, pedestrian walkways, skywalks,
2-21 crosswalks, or tunnels;

2-22 (6) ponds, lakes, recreational facilities, or scenic
2-23 areas;

2-24 (7) plazas or pedestrian malls;

2-25 (8) drainage or navigation improvements; or

2-26 (9) solid waste, water, sewer, or power facilities,
2-27 including electrical and gas power facilities.

2-28 Sec. 8472.253. METHOD OF NOTICE FOR HEARING. The district
2-29 shall mail notice of the hearing to each property owner in the
2-30 district who will be subject to the assessment at the current
2-31 address to be assessed as reflected on the tax rolls. The district
2-32 may mail the notice by certified or first class United States mail.
2-33 The board shall determine the method of notice.

2-34 Sec. 8472.254. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) An
2-35 assessment or a reassessment imposed under this subchapter by the
2-36 district, penalties and interest on an assessment or reassessment,
2-37 an expense of collection, and reasonable attorney's fees incurred
2-38 by the district:

2-39 (1) are a first and prior lien against the property
2-40 assessed;

2-41 (2) are superior to any other lien or claim other than
2-42 a lien or claim for county, school district, or municipal ad valorem
2-43 taxes; and

2-44 (3) are the personal liability of and a charge against
2-45 the owners of the property even if the owners are not named in the
2-46 assessment proceedings.

2-47 (b) The lien is effective from the date of the board's
2-48 resolution imposing the assessment until the date the assessment is
2-49 paid. The board may enforce the lien in the same manner that the
2-50 board may enforce an ad valorem tax lien against real property.

2-51 (c) The board may make a correction to or deletion from the
2-52 assessment roll that does not increase the amount of assessment of
2-53 any parcel of land without providing notice and holding a hearing in
2-54 the manner required for additional assessments.

2-55 Sec. 8472.255. UTILITY PROPERTY EXEMPT FROM ASSESSMENTS.
2-56 The district may not impose an assessment on the property,
2-57 including the equipment, rights-of-way, facilities, or
2-58 improvements, of:

2-59 (1) an electric utility or a power generation company
2-60 as defined by Section 31.002, Utilities Code;

2-61 (2) a gas utility as defined by Section 101.003 or
2-62 121.001, Utilities Code;

2-63 (3) a telecommunications provider as defined by
2-64 Section 51.002, Utilities Code; or

2-65 (4) a person who provides to the public cable
2-66 television or advanced telecommunications services.

2-67 SECTION 3. (a) All governmental and proprietary actions of
2-68 the LaSalle Municipal Utility District No. 1 taken before the
2-69 effective date of this Act, including the creation of the district,

3-1 the consent to create the district granted by the City of San
3-2 Marcos, the consent agreement relating to the district and any
3-3 amendments to that agreement, and any extension of time in which to
3-4 hold a confirmation election for the district, are validated,
3-5 ratified, and confirmed in all respects.

3-6 (b) This section does not apply to any matter that on the
3-7 effective date of this Act:

3-8 (1) is involved in litigation if the litigation
3-9 ultimately results in the matter being held invalid by a final court
3-10 judgment; or

3-11 (2) has been held invalid by a final court judgment.

3-12 SECTION 4. (a) The legal notice of the intention to
3-13 introduce this Act, setting forth the general substance of this
3-14 Act, has been published as provided by law, and the notice and a
3-15 copy of this Act have been furnished to all persons, agencies,
3-16 officials, or entities to which they are required to be furnished
3-17 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3-18 Government Code.

3-19 (b) The governor, one of the required recipients, has
3-20 submitted the notice and Act to the Texas Commission on
3-21 Environmental Quality.

3-22 (c) The Texas Commission on Environmental Quality has filed
3-23 its recommendations relating to this Act with the governor, the
3-24 lieutenant governor, and the speaker of the house of
3-25 representatives within the required time.

3-26 (d) All requirements of the constitution and laws of this
3-27 state and the rules and procedures of the legislature with respect
3-28 to the notice, introduction, and passage of this Act are fulfilled
3-29 and accomplished.

3-30 SECTION 5. For purposes of Section 8472.052(b)(2), Special
3-31 District Local Laws Code, as amended by this Act, the effective date
3-32 of the temporary directors' designation is the effective date of
3-33 this Act.

3-34 SECTION 6. This Act takes effect immediately if it receives
3-35 a vote of two-thirds of all the members elected to each house, as
3-36 provided by Section 39, Article III, Texas Constitution. If this
3-37 Act does not receive the vote necessary for immediate effect, this
3-38 Act takes effect September 1, 2017.

3-39 * * * * *