

1-1 By: Zaffirini S.B. No. 2299  
 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. 2299 (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 8476.201, Special District Local Laws  
 1-20 Code, is amended to read as follows:  
 1-21 Sec. 8476.201. 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. 5; providing authority to impose an assessment.  
 1-34 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-35 SECTION 1. Sections 8476.052(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) Jack Wilhelm;  
 1-39 (2) David Tuckfield;  
 1-40 (3) Jon Cobb;  
 1-41 (4) Bob Ruggio; and  
 1-42 (5) Adam Van Ackeren [On or after the effective date of  
 1-43 the Act enacting this chapter, the owner or owners of a majority of  
 1-44 the 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 8476.003; 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 8476, 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. 8476.251. 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. 8476.252. 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. 8476.253. 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. 8476.254. 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. 8476.255. 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. Section 2, Chapter 503, Acts of the 83rd  
 2-68 Legislature, Regular Session, 2013, is amended to read as follows:

2-69 Sec. 2. The LaSalle Municipal Utility District No. 5

3-1 initially includes all the territory contained in the following  
 3-2 area:

3-3 DESCRIPTION OF A TRACT OF LAND CONTAINING 272.071 ACRES OF  
 3-4 LAND OUT OF THE WILLIAM HEMPHILL SURVEY, ABSTRACT NO. 221, SITUATED  
 3-5 IN HAYS COUNTY, TEXAS, BEING A PORTION OF THE 811.38 ACRE TRACT  
 3-6 CONVEYED TO LASALLE HOLDINGS LTD., BY DEED OF RECORD IN VOLUME 2909,  
 3-7 PAGE 684, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID  
 3-8 272.071 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND  
 3-9 BOUNDS AS FOLLOWS:

3-10 BEGINNING AT A 1/2-INCH IRON ROD FOUND AT THE MOST SOUTHERLY  
 3-11 CORNER OF SAID 811.38 ACRE TRACT, SAID POINT BEING THE NORTHERLY  
 3-12 COMMON CORNER OF THE 305 ACRE TRACT CONVEYED TO CEDAR STUMP LP, BY  
 3-13 DEED OF RECORD IN VOLUME 1489, PAGE 800, OF SAID OFFICIAL PUBLIC  
 3-14 RECORDS, AND OF THE 199.17 ACRE TRACT CONVEYED TO KYLE THREE  
 3-15 PARTNERS LP, BY DEED OF RECORD IN VOLUME 2940, PAGE 195, OF SAID  
 3-16 OFFICIAL PUBLIC RECORDS, FOR THE MOST SOUTHERLY CORNER AND POINT OF  
 3-17 BEGINNING HEREOF;

3-18 THENCE, ALONG THE COMMON LINE OF SAID 199.17 ACRE TRACT, AND  
 3-19 OF SAID 811.38 ACRE TRACT, GENERALLY WITH A BARBED WIRE FENCE, THE  
 3-20 FOLLOWING THIRTEEN (13) COURSES AND DISTANCES:

3-21 1) N54°50'51"W, A DISTANCE OF 771.35 FEET TO A FOUND 1/2-INCH  
 3-22 IRON ROD;

3-23 2) S82°34'23"W, A DISTANCE OF 840.87 FEET TO A FOUND 1/2-INCH  
 3-24 IRON ROD;

3-25 3) N52°52'15"W, A DISTANCE OF 690.88 FEET TO A FOUND 1/2-INCH  
 3-26 IRON ROD;

3-27 4) N62°34'40"W, A DISTANCE OF 68.98 FEET TO A FOUND 1/2-INCH  
 3-28 IRON ROD;

3-29 5) N68°34'23"W, A DISTANCE OF 56.45 FEET TO A FOUND 1/2-INCH  
 3-30 IRON ROD;

3-31 6) N72°57'43"W, A DISTANCE OF 88.21 FEET TO A FOUND 1/2-INCH  
 3-32 IRON ROD;

3-33 7) N73°27'40"W, A DISTANCE OF 53.90 FEET TO A FOUND 1/2-INCH  
 3-34 IRON ROD;

3-35 8) N78°51'26"W, A DISTANCE OF 427.41 FEET TO A FOUND 1/2-INCH  
 3-36 IRON ROD WITH "BYRN" CAP;

3-37 9) N88°42'40"W, A DISTANCE OF 82.89 FEET TO A FOUND 1/2-INCH  
 3-38 IRON ROD WITH "BYRN" CAP;

3-39 10) S89°20'36"W, A DISTANCE OF 252.54 FEET TO A FOUND WOOD  
 3-40 FENCE POST;

3-41 11) N78°22'26"W, A DISTANCE OF 289.01 FEET TO A FOUND WOOD  
 3-42 FENCE POST;

3-43 12) N70°19'37"W, A DISTANCE OF 133.26 FEET TO A FOUND  
 3-44 1/2-INCH IRON ROD;

3-45 13) N65°54'03"W, A DISTANCE OF 1059.47 FEET TO A 1/2-INCH  
 3-46 IRON ROD FOUND ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF COUNTY  
 3-47 ROAD 158 (UNDEDICATED RIGHT-OF-WAY), AS USED ON THE GROUND;

3-48 THENCE ALONG THE COMMON LINE OF SAID 811.38 ACRE TRACT AND OF  
 3-49 THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 158, THE  
 3-50 FOLLOWING TWO (2) COURSES AND DISTANCES:

3-51 1) N42°58'24"E, A DISTANCE OF 3,243.10 FEET TO A FOUND  
 3-52 1/2-INCH IRON ROD;

3-53 2) N42°52'47"E, A DISTANCE OF 570.78 FEET TO A CALCULATED  
 3-54 POINT;

3-55 THENCE OVER AND ACROSS SAID 811.38 ACRE TRACT THE FOLLOWING  
 3-56 TWO (2) COURSES AND DISTANCES:

3-57 1) S45°40'51"E, A DISTANCE OF 942.00 FEET TO A CALCULATED  
 3-58 POINT;

3-59 2) S46°24'34"E, A DISTANCE OF 3,289.74 FEET TO A CALCULATED  
 3-60 POINT ON THE NORTHWESTERLY LINE OF SAID 305 ACRE TRACT;

3-61 THENCE ALONG THE COMMON LINE OF SAID 811.38 ACRE TRACT AND OF  
 3-62 SAID 305 ACRE TRACT, S43°29'59"W, A DISTANCE OF 1,830.79 FEET THE  
 3-63 POINT OF BEGINNING, AND CONTAINING 272.071 ACRES OF LAND, MORE OR  
 3-64 LESS.

3-65 [FIELD NOTE DESCRIPTION OF 275.81 ACRES OF LAND OUT OF THE WILLIAM  
 3-66 HEMPHILL SURVEY ABSTRACT No. 221 IN HAYS COUNTY, TEXAS, BEING A  
 3-67 PORTION OF THAT CERTAIN (811.38 ACRE) TRACT OF LAND AS CONVEYED TO  
 3-68 LASALLE HOLDINGS, LTD. BY SPECIAL WARRANTY DEED RECORDED IN VOLUME  
 3-69 2909 PAGE 684 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS,

4-1 ~~AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS~~  
 4-2 ~~FOLLOWS:~~

4-3 ~~[BEGINNING FOR REFERENCE at a capped iron rod found (marked~~  
 4-4 ~~"ProTech") in the Northwest line of the Old San Antonio Road for the~~  
 4-5 ~~most Easterly corner of that certain (811.38 acre) tract of land as~~  
 4-6 ~~conveyed to LaSalle Holdings by Special Warranty Deed recorded in~~  
 4-7 ~~Volume 2909 Page 684 of the Official Public Records of Hays County,~~  
 4-8 ~~Texas;~~

4-9 ~~[THENCE with the Southeast line of said LaSalle Holdings (811.38~~  
 4-10 ~~acre) tract, S 48 deg. 44' 13" W 178.85 ft. to a capped iron rod~~  
 4-11 ~~found (marked "Byrn") at the point of intersection with the curving~~  
 4-12 ~~Northwest right-of-way line State Highway No. 21;~~

4-13 ~~[THENCE with the Northwest right-of-way line of State Highway No.~~  
 4-14 ~~21, the following two (2) courses;~~

4-15 ~~[1) along a curve to the left with a radius of 5779.51 ft. for~~  
 4-16 ~~an arc length of 830.52 ft. and which chord bears S 52 deg. 53' 22" W~~  
 4-17 ~~829.80 ft. to a PK nail found in a broken concrete monument for a~~  
 4-18 ~~point of tangency;~~

4-19 ~~[2) S 48 deg. 46' 22" W 1475.74 ft. to a 1/2" iron rod found~~  
 4-20 ~~for the most Southerly corner of said LaSalle Holdings (811.38~~  
 4-21 ~~acre) tract;~~

4-22 ~~[THENCE leaving the Northwest right-of-way line of State Highway~~  
 4-23 ~~No. 21 with a Southerly line of said LaSalle Holdings (811.38 acre)~~  
 4-24 ~~tract, the following two (2) courses;~~

4-25 ~~[1) N 45 deg. 31' 36" W 2950.62 ft.;~~

4-26 ~~[2) S 44 deg. 02' 00" W 1300.00 ft. to a point for an Easterly~~  
 4-27 ~~angle corner and PLACE OF BEGINNING of the herein described tract of~~  
 4-28 ~~land;~~

4-29 ~~[THENCE continuing with a Southerly or Southeasterly line of said~~  
 4-30 ~~LaSalle Holdings (811.38 acre) tract, S 44 deg. 02' 00" W 1863.28~~  
 4-31 ~~ft. to a point for the most Southerly corner of this tract;~~

4-32 ~~[THENCE continuing with a Southerly line of said LaSalle Holdings~~  
 4-33 ~~(811.38 acre) tract, the following thirteen (13) courses;~~

4-34 ~~[1) N 54 deg. 17' 20" W 771.66 ft.;~~

4-35 ~~[2) S 83 deg. 08' 18" W 840.88 ft.;~~

4-36 ~~[3) N 52 deg. 17' 55" W 690.89 ft.;~~

4-37 ~~[4) N 62 deg. 00' 02" W 69.27 ft.;~~

4-38 ~~[5) N 68 deg. 09' 41" W 56.18 ft.;~~

4-39 ~~[6) N 72 deg. 20' 49" W 88.29 ft.;~~

4-40 ~~[7) N 73 deg. 00' 27" W 53.89 ft.;~~

4-41 ~~[8) N 78 deg. 17' 31" W 427.31 ft.;~~

4-42 ~~[9) N 88 deg. 16' 13" W 82.92 ft.;~~

4-43 ~~[10) S 89 deg. 50' 43" W 252.84 ft.;~~

4-44 ~~[11) N 77 deg. 42' 55" W 289.03 ft.;~~

4-45 ~~[12) N 69 deg. 45' 12" W 133.17 ft.;~~

4-46 ~~[13) N 65 deg. 20' 24" W 1059.29 ft. to a point in the~~  
 4-47 ~~Southeast line of Hays County Road No. 158 for the most Westerly~~  
 4-48 ~~corner of said LaSalle Holdings (811.38 acre) tract and being the~~  
 4-49 ~~most Westerly corner of this tract;~~

4-50 ~~[THENCE with the Southeast line of Hays County Road No. 158 and with~~  
 4-51 ~~the Northwest line of said LaSalle Holdings (811.38 acre) tract,~~  
 4-52 ~~the following two (2) courses;~~

4-53 ~~[1) N 43 deg. 32' 03" E 3243.31 ft. to a 1/2" iron rod found;~~

4-54 ~~[2) N 43 deg. 26' 25" E 605.66 ft. to a point for the most~~  
 4-55 ~~Northerly corner of this tract, and from which a capped iron rod~~  
 4-56 ~~found (marked "Byrn") in the Southeast line of Hays County Road No.~~  
 4-57 ~~158 and in the Northwest line of said LaSalle Holdings (811.38 acre)~~  
 4-58 ~~tract bears N 43 deg. 26' 25" E 482.55 ft.;~~

4-59 ~~[THENCE crossing the interior of said LaSalle Holdings (811.38~~  
 4-60 ~~acre) tract with the Northeast line of this tract, S 45 deg. 39' 03"~~  
 4-61 ~~E 4231.53 ft. to the PLACE OF BEGINNING, containing 275.81 acres of~~  
 4-62 ~~land.]~~

4-63 SECTION 4. (a) All governmental and proprietary actions of  
 4-64 the LaSalle Municipal Utility District No. 5 taken before the  
 4-65 effective date of this Act, including the creation of the district,  
 4-66 the consent to create the district granted by the City of San  
 4-67 Marcos, the consent agreement relating to the district and any  
 4-68 amendments to that agreement, and any extension of time in which to  
 4-69 hold a confirmation election for the district, are validated,

5-1 ratified, and confirmed in all respects.

5-2 (b) This section does not apply to any matter that on the  
5-3 effective date of this Act:

5-4 (1) is involved in litigation if the litigation  
5-5 ultimately results in the matter being held invalid by a final court  
5-6 judgment; or

5-7 (2) has been held invalid by a final court judgment.

5-8 SECTION 5. (a) The legal notice of the intention to  
5-9 introduce this Act, setting forth the general substance of this  
5-10 Act, has been published as provided by law, and the notice and a  
5-11 copy of this Act have been furnished to all persons, agencies,  
5-12 officials, or entities to which they are required to be furnished  
5-13 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
5-14 Government Code.

5-15 (b) The governor, one of the required recipients, has  
5-16 submitted the notice and Act to the Texas Commission on  
5-17 Environmental Quality.

5-18 (c) The Texas Commission on Environmental Quality has filed  
5-19 its recommendations relating to this Act with the governor, the  
5-20 lieutenant governor, and the speaker of the house of  
5-21 representatives within the required time.

5-22 (d) All requirements of the constitution and laws of this  
5-23 state and the rules and procedures of the legislature with respect  
5-24 to the notice, introduction, and passage of this Act are fulfilled  
5-25 and accomplished.

5-26 SECTION 6. For purposes of Section 8476.052(b)(2), Special  
5-27 District Local Laws Code, as amended by this Act, the effective date  
5-28 of the temporary directors' designation is the effective date of  
5-29 this Act.

5-30 SECTION 7. This Act takes effect immediately if it receives  
5-31 a vote of two-thirds of all the members elected to each house, as  
5-32 provided by Section 39, Article III, Texas Constitution. If this  
5-33 Act does not receive the vote necessary for immediate effect, this  
5-34 Act takes effect September 1, 2017.

5-35 \* \* \* \* \*