

SENATE AMENDMENTS

2nd Printing

By: Dutton

H.B. No. 4604

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Barrett Management District to impose an assessment.

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

SECTION 1. Section 3930.154, Special District Local Laws Code, is amended to read as follows:

Sec. 3930.154. ASSESSMENTS; LIENS FOR ASSESSMENTS [~~NOT AUTHORIZED~~]. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district [~~The district may not impose an assessment~~].

(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district:

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

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

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

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

1 resolution imposing the assessment until the date the assessment is
2 paid. The board may enforce the lien in the same manner that the
3 board may enforce an ad valorem tax lien against real property.

4 (d) The board may make a correction to or deletion from the
5 assessment roll that does not increase the amount of assessment of
6 any parcel of land without providing notice and holding a hearing in
7 the manner required for additional assessments [~~Subchapter F,~~
8 ~~Chapter 375, Local Government Code, does not apply to the~~
9 ~~district~~].

10 SECTION 2. (a) The legal notice of the intention to
11 introduce this Act, setting forth the general substance of this
12 Act, has been published as provided by law, and the notice and a
13 copy of this Act have been furnished to all persons, agencies,
14 officials, or entities to which they are required to be furnished
15 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
16 Government Code.

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

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

24 (d) All requirements of the constitution and laws of this
25 state and the rules and procedures of the legislature with respect
26 to the notice, introduction, and passage of this Act have been
27 fulfilled and accomplished.

1 SECTION 3. 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, 2021.

ADOPTED

MAY 26 2021

By: John Whitman

Lacey Spaulding
Secretary of the Senate

.B. No. 4604

Substitute the following for ___ .B. No. _____:

By: [Signature]

C.S. ___ .B. No. _____

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Barrett Management District to finance an improvement project or service.

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

SECTION 1. Subchapter D, Chapter 3930, Special District Local Laws Code, is amended by adding Section 3930.1515 to read as follows:

Sec. 3930.1515. ELECTION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS. The board may not finance a service or an improvement project under this chapter unless the service or improvement is approved by 60 percent of the votes cast in an election held for that purpose. The election must be conducted in the manner provided by Subchapter D, Chapter 49, Water Code, for a bond election.

SECTION 2. Section 3930.154, Special District Local Laws Code, is amended to read as follows:

Sec. 3930.154. ASSESSMENTS; LIENS FOR ASSESSMENTS [NOT AUTHORIZED]. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district [The district may not impose an assessment].

(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's

1 fees incurred by the district:

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

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

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

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

14 (d) The board may make a correction to or deletion from the
15 assessment roll that does not increase the amount of assessment of
16 any parcel of land without providing notice and holding a hearing in
17 the manner required for additional assessments [Subchapter F,
18 Chapter 375, Local Government Code, does not apply to the
19 district].

20 SECTION 3. Section 3930.151, Special District Local Laws
21 Code, is repealed.

22 SECTION 4. (a) The legal notice of the intention to
23 introduce this Act, setting forth the general substance of this
24 Act, has been published as provided by law, and the notice and a
25 copy of this Act have been furnished to all persons, agencies,
26 officials, or entities to which they are required to be furnished
27 under Section 59, Article XVI, Texas Constitution, and Chapter 313,

1 Government Code.

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

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

9 (d) All requirements of the constitution and laws of this
10 state and the rules and procedures of the legislature with respect
11 to the notice, introduction, and passage of this Act have been
12 fulfilled and accomplished.

13 SECTION 5. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2021.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 27, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4604 by Dutton (Relating to the authority of the Barrett Management District to finance an improvement project or service.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JMc, CMA, AF, ANE

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 22, 2021

TO: Honorable Paul Bettencourt, Chair, Senate Committee on Local Government

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB4604** by Dutton (Relating to the authority of the Barrett Management District to finance an improvement project or service.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JMc, AF, CMA, ANE

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 20, 2021

TO: Honorable Paul Bettencourt, Chair, Senate Committee on Local Government

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4604 by Dutton (Relating to the authority of the Barrett Management District to impose an assessment.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JMc, AF, CMA, ANE

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 20, 2021

TO: Honorable Philip Cortez, Chair, House Committee on Urban Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4604 by Dutton (Relating to the authority of the Barrett Management District to impose an assessment.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JMc, AF, CMA, ANE