

1-1 By: Zaffirini S.B. No. 2297
 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 4, Nays 0, 1 present not voting; May 17, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Campbell			X	
1-11 Garcia	X			
1-12 Huffines	X			
1-13 Menéndez			X	
1-14 Taylor of Collin				X

1-16 COMMITTEE AMENDMENT NO. 1 By: Bettencourt

1-17 Amend S.B. No. 2297 (introduced version) by adding the
 1-18 following appropriately numbered SECTION to the bill and
 1-19 renumbering SECTIONS of the bill accordingly:
 1-20 SECTION 2. Section 8474.201, Special District Local Laws
 1-21 Code, is amended to read as follows:
 1-22 Sec. 8474.201. AUTHORITY TO ISSUE BONDS AND OTHER
 1-23 OBLIGATIONS. (a) Except as provided by Subsection (b), the [The]
 1-24 district may issue bonds or other obligations payable wholly or
 1-25 partly from ad valorem taxes, impact fees, revenue, contract
 1-26 payments, grants, or other district money, or any combination of
 1-27 those sources, to pay for any authorized district purpose.
 1-28 (b) The district may not issue bonds payable wholly or
 1-29 partly from assessments.

1-30 A BILL TO BE ENTITLED
 1-31 AN ACT

1-32 relating to the temporary board of and financing of certain
 1-33 facilities and improvements by the LaSalle Municipal Utility
 1-34 District No. 3; providing authority to impose an assessment.
 1-35 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-36 SECTION 1. Sections 8474.052(a) and (b), Special District
 1-37 Local Laws Code, are amended to read as follows:
 1-38 (a) The temporary board consists of:
 1-39 (1) Jeremy Mazur;
 1-40 (2) Curtis Davidson;
 1-41 (3) Ross Allen;
 1-42 (4) Edward Wilhelm; and
 1-43 (5) Brent Covert [On or after the effective date of the
 1-44 Act enacting this chapter, the owner or owners of a majority of the
 1-45 assessed value of the real property in the district may submit a
 1-46 petition to the commission requesting that the commission appoint
 1-47 as temporary directors the five persons named in the petition. The
 1-48 commission shall appoint as temporary directors the five persons
 1-49 named in the petition].
 1-50 (b) Temporary directors serve until the earlier of:
 1-51 (1) the date permanent directors are elected under
 1-52 Section 8474.003; or
 1-53 (2) the fourth anniversary of the effective date of
 1-54 their designation [the Act enacting this chapter].
 1-55 SECTION 2. Chapter 8474, Special District Local Laws Code,
 1-56 is amended by adding Subchapter F to read as follows:
 1-57 SUBCHAPTER F. ASSESSMENTS; APPLICABILITY OF ASSESSMENTS
 1-58 Sec. 8474.251. PETITION REQUIRED FOR FINANCING
 1-59 IMPROVEMENTS AND RECREATIONAL FACILITIES WITH ASSESSMENTS.

2-1 (a) Except as provided by this subchapter, the board may finance
2-2 the construction or maintenance of a recreational facility or
2-3 improvement with assessments on property under this subchapter only
2-4 if:

- 2-5 (1) a written petition requesting that facility or
- 2-6 improvement has been filed with the board; and
- 2-7 (2) the board holds a hearing on the proposed
- 2-8 assessments.

2-9 (b) The petition must be signed by the owners of a majority
2-10 of the assessed value of real property in the district subject to
2-11 assessment according to the most recent certified tax appraisal
2-12 roll for the county.

2-13 Sec. 8474.252. MISCELLANEOUS DESIGN, CONSTRUCTION, AND
2-14 MAINTENANCE. An improvement or recreational facility project may
2-15 include the planning, design, construction, improvement, and
2-16 maintenance of:

- 2-17 (1) landscaping;
- 2-18 (2) marinas and bridges;
- 2-19 (3) lighting, banners, and signs;
- 2-20 (4) hiking and cycling paths or trails;
- 2-21 (5) sidewalks, pedestrian walkways, skywalks,
- 2-22 crosswalks, or tunnels;
- 2-23 (6) ponds, lakes, recreational facilities, or scenic
- 2-24 areas;
- 2-25 (7) plazas or pedestrian malls;
- 2-26 (8) drainage or navigation improvements; or
- 2-27 (9) solid waste, water, sewer, or power facilities,
- 2-28 including electrical and gas power facilities.

2-29 Sec. 8474.253. METHOD OF NOTICE FOR HEARING. The district
2-30 shall mail notice of the hearing to each property owner in the
2-31 district who will be subject to the assessment at the current
2-32 address to be assessed as reflected on the tax rolls. The district
2-33 may mail the notice by certified or first class United States mail.
2-34 The board shall determine the method of notice.

2-35 Sec. 8474.254. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) An
2-36 assessment or a reassessment imposed under this subchapter by the
2-37 district, penalties and interest on an assessment or reassessment,
2-38 an expense of collection, and reasonable attorney's fees incurred
2-39 by the district:

- 2-40 (1) are a first and prior lien against the property
- 2-41 assessed;
- 2-42 (2) are superior to any other lien or claim other than
- 2-43 a lien or claim for county, school district, or municipal ad valorem
- 2-44 taxes; and
- 2-45 (3) are the personal liability of and a charge against
- 2-46 the owners of the property even if the owners are not named in the
- 2-47 assessment proceedings.

2-48 (b) The lien is effective from the date of the board's
2-49 resolution imposing the assessment until the date the assessment is
2-50 paid. The board may enforce the lien in the same manner that the
2-51 board may enforce an ad valorem tax lien against real property.

2-52 (c) The board may make a correction to or deletion from the
2-53 assessment roll that does not increase the amount of assessment of
2-54 any parcel of land without providing notice and holding a hearing in
2-55 the manner required for additional assessments.

2-56 Sec. 8474.255. UTILITY PROPERTY EXEMPT FROM ASSESSMENTS.
2-57 The district may not impose an assessment on the property,
2-58 including the equipment, rights-of-way, facilities, or
2-59 improvements, of:

- 2-60 (1) an electric utility or a power generation company
- 2-61 as defined by Section 31.002, Utilities Code;
- 2-62 (2) a gas utility as defined by Section 101.003 or
- 2-63 121.001, Utilities Code;
- 2-64 (3) a telecommunications provider as defined by
- 2-65 Section 51.002, Utilities Code; or
- 2-66 (4) a person who provides to the public cable
- 2-67 television or advanced telecommunications services.

2-68 SECTION 3. Section 2, Chapter 627, Acts of the 83rd
2-69 Legislature, Regular Session, 2013, is amended to read as follows:

3-1 Sec. 2. The LaSalle Municipal Utility District No. 3
3-2 initially includes all the territory contained in the following
3-3 area:
3-4 BEING A 419.9-ACRE [18,289,842 SQUARE FEET] TRACT OF LAND OUT OF THE
3-5 WILLIAM HEMPHILL SURVEY, ABSTRACT NUMBER 221, HAYS COUNTY, TEXAS,
3-6 SAID 419.9-ACRE TRACT BEING A PORTION OF SAID 765.035-ACRE TRACT
3-7 AND THAT CALLED 171.236-ACRE TRACT DESCRIBED IN GENERAL WARRANTY
3-8 DEED TO LASALLE HOLDINGS, LTD. AS RECORDED IN VOLUME 3030, PAGE 657,
3-9 O.P.R.H.C.T., SAID 419.9-ACRE TRACT BEING MORE PARTICULARLY
3-10 DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
3-11 BEGINNING at a 1/2-inch iron rod with cap marked "BYRN" found for an
3-12 angle point in said apparent west right-of-way line of County Road
3-13 158, same being said east line of the 765.035-acre tract, and from
3-14 which a 1/2-inch iron rod with cap marked "BYRN" found for an angle
3-15 point in said apparent west right-of-way line of County Road 158 and
3-16 said east line of the 765.035-acre tract bears N44°30'44"E, a
3-17 distance of 9.02 feet;
3-18 THENCE with said apparent west right-of-way line of County Road 158
3-19 and said east line of the 765.035-acre tract, S46°10'38"E, a
3-20 distance of 1,134.71 feet to an angle point and east corner of the
3-21 tract described herein;
3-22 THENCE leaving said apparent west right-of-way line of County Road
3-23 158 and said east line of the 765.035-acre tract, crossing said
3-24 765.035-acre tract, the following eight (8) courses and distances:
3-25 1) S43°33'39"W, a distance of 551.53 feet to a point of
3-26 curvature of a tangent circular curve to the right,
3-27 2) with the arc of said curve to the right a distance of
3-28 372.28 feet, said curve having a radius of 1,000.00, a central angle
3-29 of 21°19'49" and a chord bearing S56°26'13"W, a distance of 370.14
3-30 feet to a point of tangency,
3-31 3) S67°06'07"W, a distance of 20.00 feet to a point of
3-32 curvature of a tangent circular curve to the left,
3-33 4) with the arc of said curve to the left a distance of
3-34 1,807.51 feet, said curve having a radius of 1,738.00, a central
3-35 angle of 59°35'14" and a chord bearing S36°34'11"W, a distance of
3-36 1,727.15 feet to a point of tangency,
3-37 5) S06°46'34"W, a distance 123.00 feet to a point of
3-38 curvature of a tangent circular curve to the right;
3-39 6) with the arc of said curve to the right a distance of
3-40 314.79 feet, said curve having a radius of 1000.00, a central angle
3-41 of 18°02'10" and a chord bearing S13°06'47"W, a distance of 313.49
3-42 feet to a point of tangency,
3-43 7) S22°07'52"W, a distance of 804.54 feet to an angle point,
3-44 and
3-45 8) S45°37'13"E, a distance of 1,831.04 feet to a point in
3-46 said apparent west right-of-way line of County Road 158, same being
3-47 said southeast line of the northerly portion of the 765.035-acre
3-48 tract;
3-49 THENCE with said apparent west right-of-way line of County Road 158
3-50 and said southeast line of the northerly portion of the
3-51 765.035-acre tract, the following two (2) courses and distances:
3-52 1) S42°49'27"W, a distance of 267.87 feet to a 1/2-inch iron
3-53 rod found for an angle point, and
3-54 2) S42°49'52"W, a distance of 1010.10 feet to a 1/2-inch iron
3-55 rod found for an angle point, same being the east corner of said
3-56 171.236-acre tract;
3-57 THENCE continuing with said apparent west right-of-way line of
3-58 County Road 158, with the southeast line of said 171.236-acre
3-59 tract, the following four (4) courses and distances:
3-60 1) S42°55'59"W, a distance of 1818.65 feet to a 1/2-inch iron
3-61 rod with cap marked "4069" found for an angle point,
3-62 2) S43°46'38"W, a distance of 453.62 feet to a 1/2-inch iron
3-63 rod with cap marked "4069" found for an angle point,
3-64 3) S42°37'22"W, a distance of 425.56 feet to a 1/2-inch iron
3-65 rod found, and
3-66 4) S44°15'44"W, a distance of 57.00 feet to an angle point;
3-67 THENCE leaving said apparent west right-of-way line of County Road
3-68 158 and said southeast line of the 171.236-acre tract, crossing
3-69 said 171.236-acre tract, N46°54'57"W, passing at a distance of

4-1 2,013.35 feet point in the northwest line of said 171.236-acre
4-2 tract, and crossing said 765.035-acre tract an additional distance
4-3 of 1,346.73 feet, for a cumulative distance of 3,360.08 feet to a
4-4 point in the northwest line of said 765.035-acre tract, same being
4-5 the southeast line of said 468.288-acre tract;
4-6 THENCE with said northwest line of the 765.035-acre tract and said
4-7 southeast line of the 468.288-acre tract, the following three (3)
4-8 courses and distances:
4-9 1) N43°40'32"E, a distance of 3,769.94 feet to a 1/2-inch
4-10 iron rod found for an angle point,
4-11 2) N46°10'24"W, a distance of 240.36 feet to a 1/2-inch iron
4-12 rod found for an angle point, and
4-13 3) N42°54'40"E, a distance of 2,001.13 feet to a 1/2-inch
4-14 iron rod found for the east corner of said 468.288-acre tract;
4-15 THENCE leaving said northwest line of the 765.035-acre tract and
4-16 said southeast line of the 468.288-acre tract, crossing said
4-17 765.035-acre tract, N42°53'58"E, a distance of 3,045.94 feet to the
4-18 POINT OF BEGINNING and containing 419.9 acres [18,289,842 square
4-19 feet].
4-20 ~~[FIELD NOTE DESCRIPTION OF 320.71 ACRES OF LAND OUT OF THE WILLIAM~~
4-21 ~~HEMPHILL SURVEY ABSTRACT No. 221 IN HAYS COUNTY, TEXAS, BEING A~~
4-22 ~~PORTION OF THAT CERTAIN (765.035 ACRE) TRACT OF LAND AS CONVEYED TO~~
4-23 ~~LASALLE HOLDINGS, LTD. BY SPECIAL WARRANTY DEED RECORDED IN VOLUME~~
4-24 ~~2909 PAGE 684 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS,~~
4-25 ~~TOGETHER WITH A PORTION OF THAT CERTAIN (171.236) ACRE) TRACT OF~~
4-26 ~~LAND AS CONVEYED TO LASALLE HOLDINGS, LTD. BY GENERAL WARRANTY DEED~~
4-27 ~~RECORDED IN VOLUME 3030 PAGE 657 OF THE OFFICIAL PUBLIC RECORDS OF~~
4-28 ~~HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES~~
4-29 ~~AND BOUNDS AS FOLLOWS:~~
4-30 ~~[BEGINNING FOR REFERENCE at 1/2" iron rod found in the Northeast~~
4-31 ~~right-of-way line of Yarrington Road for the most Westerly corner~~
4-32 ~~of that certain (765.035 acre) tract of land as conveyed to LaSalle~~
4-33 ~~Holdings, Ltd. By Special Warranty Deed recorded in Volume 2909~~
4-34 ~~Page 684 of the Official Public Records of Hays County, Texas, and~~
4-35 ~~for the most Southerly corner of that certain (468.288 acre) tract~~
4-36 ~~of land described as "Tract 2" in deed to F.M. 158 Land, Ltd. As~~
4-37 ~~recorded in Volume 2702 Page 613 of the Official Public Records of~~
4-38 ~~Hays County, Texas;~~
4-39 ~~[THENCE leaving the Northeast right-of-way line of Yarrington Road~~
4-40 ~~with a Northwesterly line of said LaSalle Holdings (765.035 acre)~~
4-41 ~~tract, N 44 deg. 14'37"E 963.10 ft. to a point for the North corner~~
4-42 ~~and PLACE OF BEGINNING of the herein described tract of land;~~
4-43 ~~[THEN continuing with a Northwesterly line of said LaSalle Holdings~~
4-44 ~~(765.035 acre) tract, the following three (3) courses:~~
4-45 ~~[1) N 44 deg. 14' 37" E 2807.00 ft.;~~
4-46 ~~[2) N 45 deg. 27' 33" W 240.49 ft.;~~
4-47 ~~[3) N 43 deg. 28' 18" E 1300.84 ft. to a point for the most~~
4-48 ~~Northerly corner of this tract, and from which a capped iron rod~~
4-49 ~~found (marked "Byrn" for an angle corner of said LaSalle Holdings~~
4-50 ~~(765.035 acre) tract bears N 43 deg. 28' 18" E 700.00 ft.;~~
4-51 ~~[THENCE crossing the interior of said LaSalle Holdings (765.035~~
4-52 ~~acre) tract with the Northeast line of this tract, S 45 deg. 39' 03"~~
4-53 ~~E 3568.62 ft. to a point in the Northwest line of Hays County Road~~
4-54 ~~No. 158 and in the Southeast line of said LaSalle Holdings (765.035~~
4-55 ~~acre) tract and being the most Easterly corner of this tract, and~~
4-56 ~~from which a 1/2" iron rod found in the Northwest line of Hays~~
4-57 ~~County Road No. 158 and in the Southeast line of said LaSalle~~
4-58 ~~Holdings (765.035 acre) tract bears N 43 deg. 23' 01" E 1294.66 ft.;~~
4-59 ~~[THENCE with the Northwest line of Hays County Road No. 158 and with~~
4-60 ~~the Southeast line of said LaSalle Holdings (765.035 acre) tract,~~
4-61 ~~the following two (2) courses;~~
4-62 ~~[1) S 43 deg. 23' 01" W 302.20 ft. to a 1/2" iron rod found;~~
4-63 ~~[2) S 43 deg. 23' 51" W 1010.30 ft. to a 1/2" iron rod found~~
4-64 ~~for the most Southerly corner of said LaSalle Holdings (765.035~~
4-65 ~~acre) tract and for the most Easterly corner of that certain~~
4-66 ~~(171.236 acre) tract of land as conveyed to LaSalle Holdings, Ltd.~~
4-67 ~~By General Warranty Deed recorded in Volume 3030 Page 657 of the~~
4-68 ~~Official Public Records of Hays County, Texas;~~
4-69 ~~[THENCE with the Northwest line of Hays County Road No. 158 and with~~

5-1 ~~the Southeast line of said LaSalle Holdings (171.236 acre) tract,~~
5-2 ~~the following four (4) courses;~~
5-3 ~~[1) S 43 deg. 29' 43" W 1818.92 ft. to a capped iron rod found~~
5-4 ~~(marked "4069");~~
5-5 ~~[2) S 44 deg. 22' 05" W 453.62 ft. to a capped iron rod found~~
5-6 ~~(marked "4069");~~
5-7 ~~[3) S 43 deg. 10' 19" W 425.56 ft. to a 1/2" iron rod found;~~
5-8 ~~[4) S 44 deg. 50' 25" W 57.00 ft. to a point for the West~~
5-9 ~~corner of this tract and from which a capped iron rod found (marked~~
5-10 ~~"4069), bears S 44 deg. 50' 25" W 65.22 ft.;~~
5-11 ~~[THENCE leaving the Northwest line of Hays County Road No. 158 and~~
5-12 ~~crossing the interiors of said LaSalle Holdings (171.236 acre)~~
5-13 ~~tract and LaSalle Holdings (765.035 acre) tract with the Northwest~~
5-14 ~~line of this tract, N 46 deg. 21' 22" W 3360.37 ft. to the PLACE OF~~
5-15 ~~BEGINNING, containing 320.71 acres of land.]~~

5-16 SECTION 4. (a) All governmental and proprietary actions of
5-17 the LaSalle Municipal Utility District No. 3 taken before the
5-18 effective date of this Act, including the creation of the district,
5-19 the consent to create the district granted by the City of San
5-20 Marcos, the consent agreement relating to the district and any
5-21 amendments to that agreement, and any extension of time in which to
5-22 hold a confirmation election for the district, are validated,
5-23 ratified, and confirmed in all respects.

5-24 (b) This section does not apply to any matter that on the
5-25 effective date of this Act:

5-26 (1) is involved in litigation if the litigation
5-27 ultimately results in the matter being held invalid by a final court
5-28 judgment; or

5-29 (2) has been held invalid by a final court judgment.

5-30 SECTION 5. (a) The legal notice of the intention to
5-31 introduce this Act, setting forth the general substance of this
5-32 Act, has been published as provided by law, and the notice and a
5-33 copy of this Act have been furnished to all persons, agencies,
5-34 officials, or entities to which they are required to be furnished
5-35 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-36 Government Code.

5-37 (b) The governor, one of the required recipients, has
5-38 submitted the notice and Act to the Texas Commission on
5-39 Environmental Quality.

5-40 (c) The Texas Commission on Environmental Quality has filed
5-41 its recommendations relating to this Act with the governor, the
5-42 lieutenant governor, and the speaker of the house of
5-43 representatives within the required time.

5-44 (d) All requirements of the constitution and laws of this
5-45 state and the rules and procedures of the legislature with respect
5-46 to the notice, introduction, and passage of this Act are fulfilled
5-47 and accomplished.

5-48 SECTION 6. For purposes of Section 8474.052(b)(2), Special
5-49 District Local Laws Code, as amended by this Act, the effective date
5-50 of the temporary directors' designation is the effective date of
5-51 this Act.

5-52 SECTION 7. This Act takes effect immediately if it receives
5-53 a vote of two-thirds of all the members elected to each house, as
5-54 provided by Section 39, Article III, Texas Constitution. If this
5-55 Act does not receive the vote necessary for immediate effect, this
5-56 Act takes effect September 1, 2017.

5-57 * * * * *