

By: Isaac

H.B. No. 4310

A BILL TO BE ENTITLED

AN ACT

relating to the temporary board of and financing of certain facilities and improvements by the LaSalle Municipal Utility District No. 1; providing authority to impose an assessment.

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

SECTION 1. Sections 8472.052(a) and (b), Special District Local Laws Code, are amended to read as follows:

(a) The temporary board consists of:

(1) Chuck Kaufman;

(2) Eric Willis;

(3) Chris Gee;

(4) Kristi LaRue; and

(5) Doug Goss ~~[On or after the effective date of the~~

~~Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition].~~

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8472.003; or

(2) the fourth anniversary of the effective date of their designation ~~[the Act enacting this chapter]~~.

SECTION 2. Chapter 8472, Special District Local Laws Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. ASSESSMENTS; APPLICABILITY OF ASSESSMENTS

Sec. 8472.251. PETITION REQUIRED FOR FINANCING IMPROVEMENTS AND RECREATIONAL FACILITIES WITH ASSESSMENTS. (a) Except as provided by this subchapter, the board may finance the construction or maintenance of a recreational facility or improvement with assessments on property under this subchapter only if:

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

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

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

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

(1) landscaping;

(2) marinas and bridges;

(3) lighting, banners, and signs;

(4) hiking and cycling paths or trails;

(5) sidewalks, pedestrian walkways, skywalks, crosswalks, or tunnels;

1 (6) ponds, lakes, recreational facilities, or scenic
2 areas;
3 (7) plazas or pedestrian malls;
4 (8) drainage or navigation improvements; or
5 (9) solid waste, water, sewer, or power facilities,
6 including electrical and gas power facilities.

7 Sec. 8472.253. METHOD OF NOTICE FOR HEARING. The district
8 shall mail notice of the hearing to each property owner in the
9 district who will be subject to the assessment at the current
10 address to be assessed as reflected on the tax rolls. The district
11 may mail the notice by certified or first class United States mail.
12 The board shall determine the method of notice.

13 Sec. 8472.254. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) An
14 assessment or a reassessment imposed under this subchapter by the
15 district, penalties and interest on an assessment or reassessment,
16 an expense of collection, and reasonable attorney's fees incurred
17 by the district:

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

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

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

26 (b) The lien is effective from the date of the board's
27 resolution imposing the assessment until the date the assessment is

1 paid. The board may enforce the lien in the same manner that the
2 board may enforce an ad valorem tax lien against real property.

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

7 Sec. 8472.255. UTILITY PROPERTY EXEMPT FROM ASSESSMENTS.
8 The district may not impose an assessment on the property,
9 including the equipment, rights-of-way, facilities, or
10 improvements, of:

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

13 (2) a gas utility as defined by Section 101.003 or
14 121.001, Utilities Code;

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

17 (4) a person who provides to the public cable
18 television or advanced telecommunications services.

19 SECTION 3. (a) All governmental and proprietary actions of
20 the LaSalle Municipal Utility District No. 1 taken before the
21 effective date of this Act, including the creation of the district,
22 the consent to create the district granted by the City of San
23 Marcos, the consent agreement relating to the district and any
24 amendments to that agreement, and any extension of time in which to
25 hold a confirmation election for the district, are validated,
26 ratified, and confirmed in all respects.

27 (b) This section does not apply to any matter that on the

effective date of this Act:

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

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

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

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

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

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

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

1 SECTION 6. 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, 2017.