

By: Martinez, Muñoz, Jr.

H.B. No. 3002

Substitute the following for H.B. No. 3002:

By: Coleman

C.S.H.B. No. 3002

A BILL TO BE ENTITLED

AN ACT

relating to the fee imposed on certain property owners by a county for the establishment of street lights along a county road.

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

SECTION 1. Section 280.003, Transportation Code, is amended by amending Subsection (b) and adding Subsections (d), (e), and (f) to read as follows:

(b) The commissioners court of a ~~the~~ county may by order provide for the establishment of street lights along a county road located in a subdivision. The order may provide for:

(1) the installation, operation, and maintenance of the street lights by:

(A) the county; or

(B) another public or private entity with which the county may contract;

(2) the imposition of a fee on landowners in the subdivision who benefit from the street lights;

(3) the collection of a fee imposed under this subsection by ~~+~~

~~[(A)]~~ the county tax assessor-collector ~~[, or~~

~~[(B)] another public or private entity with which the county may contract~~; and

(4) any other matter the commissioners court finds necessary to the installation, operation, or maintenance of the

1 street lights.

2 (d) The county tax assessor-collector of a county in which a
3 fee is imposed under this section shall include the fee in the tax
4 bill prepared under Section 31.01, Tax Code, for each landowner
5 whose real property is benefited by the street lights for which the
6 fee is imposed. The tax bill must separately state the amount of
7 the fee imposed under this section. The county tax
8 assessor-collector shall collect the fee for the county in the same
9 manner that the county tax assessor-collector collects ad valorem
10 taxes for the county.

11 (e) A commissioners court may obtain a lien against real
12 property benefited by the street lights for which a fee is imposed
13 under this section to secure payment of the fee. To obtain the lien,
14 the commissioners court must file a notice with the county clerk of
15 the county in which the property is located that includes:

16 (1) a statement that the fee has been imposed on the
17 landowner and the amount of the fee;

18 (2) a legal description of the property on which the
19 lien is to be attached sufficient to identify the property; and

20 (3) the name of the landowner, if known.

21 (f) The lien authorized by this section exists in favor of
22 the county. The lien attaches to the real property on the date the
23 notice of lien is filed with the county clerk. The lien is inferior
24 to a mortgage lien recorded with the county clerk before the date
25 the lien authorized by this section attaches to the property. A
26 county may not foreclose a lien authorized by this section if the
27 lien is the only lien attached to the property.

1 SECTION 2. The changes in law made by this Act apply only to
2 a fee imposed by a county under Section 280.003, Transportation
3 Code, as amended by this Act, on or after the effective date of this
4 Act.

5 SECTION 3. This Act takes effect September 1, 2015.