

## Chapter 660

H.B. No. 3002

### 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;

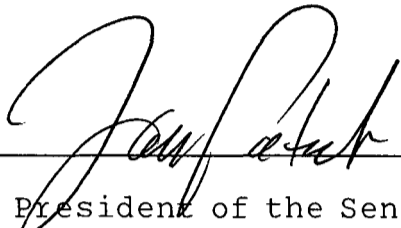
18 (2) a legal description of the property on which the  
19 lien is to be attached sufficient to identify the property; and

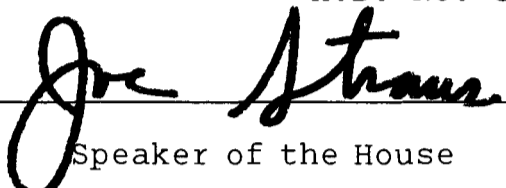
20 (3) the name of the landowner, if known.

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.

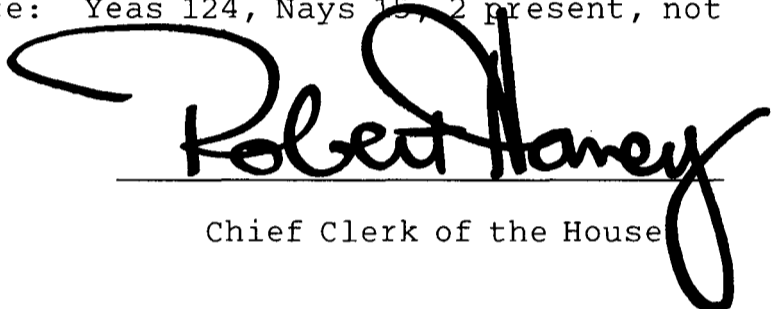
1           SECTION 2. The changes in law made by this Act apply only to  
2 a fee imposed by a county under Section 280.003, Transportation  
3 Code, as amended by this Act, on or after the effective date of this  
4 Act.

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

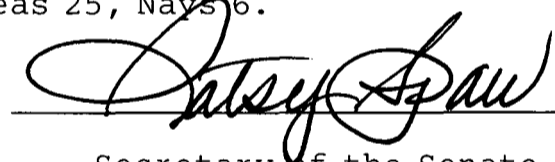
  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 3002 was passed by the House on May 15, 2015, by the following vote: Yeas 124, Nays 15, 2 present, not voting.

  
\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 3002 was passed by the Senate on May 26, 2015, by the following vote: Yeas 25, Nays 6.

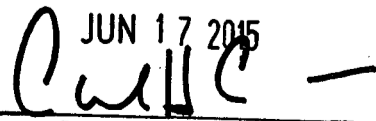
  
\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

\_\_\_\_\_

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4:09 pm O'CLOCK  
JUN 17 2015  
  
\_\_\_\_\_  
Secretary of State

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 24, 2015**

**TO:** Honorable Kelly Hancock, Chair, Senate Committee on Administration

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3002** by Martinez, "Mando" (Relating to the fee imposed on certain property owners by a county for the establishment of street lights along a county road.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

The bill would amend the Transportation Code to permit a commissioners court of a county to adopt an order that may provide for the collection of a fee imposed by the county tax-assessor. Under the provisions of the bill, a county tax assessor collector would be required to include a fee in a tax bill for each landowner who has benefited from the street light. The bill provides requirements for the tax bill. The bill would permit a commissioners court to file a notice with the county clerk of a county and obtain a lien against real property benefited by street lights to secure payment of the fee. The bill provides requirements of the lien. The bill would prohibit a county from foreclosing a lien authorized under the provisions of the bill if the lien is the only lien attached to the property.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts

**LBB Staff:** UP, KK, KVe, SD, EK

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 28, 2015**

**TO:** Honorable Garnet Coleman, Chair, House Committee on County Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3002** by Martinez, "Mando" (Relating to the fee imposed on certain property owners by a county for the establishment of street lights along a county road.), **Committee Report 1st House, Substituted**

**No fiscal implication to the State is anticipated.**

The bill would amend the Transportation Code to permit a commissioners court of a county to adopt an order that may provide for the collection of a fee imposed by the county tax-assessor. Under the provisions of the bill, a county tax assessor collector would be required to include a fee in a tax bill for each landowner who has benefited from the street law. The bill provides requirements for the tax bill. The bill would permit a commissioners court to file a notice with the county clerk of a county and obtain a lien against real property benefited by street lights to secure payment of the fee. The bill provides requirements of the lien. The bill would prohibit a county from foreclosing a lien authorized under the provisions of the bill if the lien is the only lien attached to the property.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts

**LBB Staff:** UP, KVe, SD, EK

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 8, 2015**

**TO:** Honorable Garnet Coleman, Chair, House Committee on County Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3002** by Martinez, "Mando" (Relating to the fee collected for the provision of providing street lights in a subdivision in the unincorporated area of certain counties and the authority of said county to obtain a lien against property of a landowner to secure payment of a fee for the installation, operation, and maintenance of street lights.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would amend the Transportation Code to require fees collected in certain counties to be added to the annual property tax statement for certain land owners. The county tax-assessor would be required to collect and transfer the fees to the county. The bill would also permit the commissioners court of a county to obtain a lien against a property owner to secure payment of a such fees. The bill provides procedures for the filing and attachment of a lien. The bill would prohibit the county from foreclosing a property which the only outstanding lien against the property is a lien under the provisions of the bill.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts

**LBB Staff:** UP, KVe, SD, EK