

BILL ANALYSIS

Senate Research Center
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H.B. 3002
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Administration
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Hidalgo County in South Texas has more colonias than any other county in the United States. Colonias are unincorporated communities in counties that are usually characterized by poor infrastructure, lower quality homes, and higher incidences of crime. While these communities have long been neglected by the state, the actual community members within colonias are strong, determined individuals living within their means.

Over the last few sessions, various pieces of legislation have sought to address the infrastructure issues within colonias. Section 280.003 (Street Lights in Subdivision Located in Certain Counties), Transportation Code, currently allows counties to establish street lighting in colonia subdivisions and impose a fee on landowners who benefit from the street lights. However, some counties maintain that current statute is silent on the process of how the fees should be assessed and collected by a county tax assessor-collector.

The authority to assess a tax for street lighting exists; however, there is not an efficient method of collection.

H.B. 3002 amends Section 280.003 of the Transportation Code to provide for an effective method of assessing and collecting fees to install street lights.

H.B. 3002 amends current law relating to the fee imposed on certain property owners by a county for the establishment of street lights along a county road.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

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

(b) Authorizes the commissioners court of a county by order to provide for the establishment of street lights along a county road located in a subdivision. Authorizes the order to provide for the collection of a fee imposed under this subsection by the county tax assessor-collector, rather than by the county or another public or private entity with which the county is authorized to contract. Makes nonsubstantive changes.

(d) Requires the county tax assessor-collector of a county in which a fee is imposed under this section to include the fee in the tax bill prepared under Section 31.01 (Tax Bills), Tax Code, for each landowner whose real property is benefitted by the street lights for which the fee is imposed. Requires that the tax bill separately state the amount of the fee imposed under this section. Requires the county tax assessor-collector to collect the fee for the county in the same manner that the county tax assessor-collector collects ad valorem taxes for the county.

(e) Authorizes a commissioners court to obtain a lien against real property benefited by the street lights for which a fee is imposed under this section to secure payment of the fee. Requires the commissioners court, to obtain the lien, to file a notice with the county clerk of the county in which the property is located that includes:

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

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

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

(f) Provides that the lien authorized by this section exists in favor of the county. Provides that the lien attaches to the real property on the date the notice of lien is filed with the county clerk. Provides that the lien is inferior to a mortgage lien recorded with the county clerk before the date the lien authorized by this section attaches to the property. Prohibits a county from foreclosing a lien authorized by this section if the lien is the only lien attached to the property.

SECTION 2. Provides that the changes in law made by this Act apply only to a fee imposed by a county under Section 280.003 (Street Lights in Subdivision Located in Certain Counties), Transportation Code, as amended by this Act, on or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2015.