

By: Luna

H.B. No. 1089

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a municipality to impose and use utility fees for certain disabled access improvements.

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

SECTION 1. Section 402.001, Local Government Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) A municipality may by ordinance add a fee to the utility bills issued by a municipally owned utility system. The fee:

(1) may not exceed \$1 each month;

(2) shall be paid at an interval determined by the governing body of the municipality; and

(3) shall be described on the bill as "city ADA fee."

(f) The municipality shall deposit in a special account the fees collected under Subsection (e). Funds in the account may be used only by the municipality to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.), as amended, including providing:

(1) construction and maintenance of accessible street and sidewalk improvements, including curb cuts and auditory alarms at crosswalks;

(2) construction and maintenance of accessible municipal parks and municipal park improvements; and

(3) construction and maintenance of accessible libraries and library improvements.

1           SECTION 2.   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, 2003.