

By: Hamilton

H.B. No. 3435

A BILL TO BE ENTITLED

AN ACT

relating to exempting certain utility property from impact fees and assessments in certain water districts.

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

SECTION 1. Section 49.212, Water Code, is amended by adding Subsections (f), (g), (h), and (i) to read as follows:

(f) Except as provided by Subsections (g) and (h), a district may not impose an impact fee, standby fee, or assessment on the property, including the equipment, rights-of-way, easements, facilities, or improvements, of:

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

(2) a gas utility as defined by Section 101.003 or 121.001, Utilities Code, or a person who owns pipelines used for the transportation or sale of oil or gas or a product or constituent of oil or gas;

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

(4) a cable service provider or video service provider as defined by Section 66.002, Utilities Code.

(g) A district may impose an impact fee, standby fee, or assessment on property described by Subsection (f) that is used as office space.

(h) A district may impose an impact fee on property

1 described by Subsection (f) on the same terms as the district  
2 imposes an impact fee on other property if the owner of the property  
3 requests water or sewer services for that property from the  
4 district.

5 (i) Subsection (f) does not affect a district's authority to  
6 impose an ad valorem tax on property in the boundaries of the  
7 district under this chapter or other law.

8 SECTION 2. This Act takes effect September 1, 2009.