

1-1 By: Hamilton (Senate Sponsor - Jackson) H.B. No. 3435
1-2 (In the Senate - Received from the House April 23, 2009;
1-3 May 1, 2009, read first time and referred to Committee on Natural
1-4 Resources; May 14, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 14, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3435 By: Jackson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to exempting certain utility property from impact fees and
1-11 assessments in certain water districts.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 49.212, Water Code, is amended by adding
1-14 Subsections (f), (g), (h), and (i) to read as follows:

1-15 (f) Except as provided by Subsections (g) and (h), a
1-16 district may not impose an impact fee, standby fee, or assessment on
1-17 the property, including the equipment, rights-of-way, easements,
1-18 facilities, or improvements, of:

1-19 (1) an electric utility or a power generation company
1-20 as defined by Section 31.002, Utilities Code;

1-21 (2) a gas utility as defined by Section 101.003 or
1-22 121.001, Utilities Code, or a person who owns pipelines used for the
1-23 transportation or sale of oil or gas or a product or constituent of
1-24 oil or gas;

1-25 (3) a person who owns pipelines used for the
1-26 transportation or sale of carbon dioxide;

1-27 (4) a telecommunications provider as defined by
1-28 Section 51.002, Utilities Code; or

1-29 (5) a cable service provider or video service provider
1-30 as defined by Section 66.002, Utilities Code.

1-31 (g) A district may impose an impact fee, standby fee, or
1-32 assessment on property described by Subsection (f) that is used as
1-33 office space.

1-34 (h) A district may impose an impact fee on property
1-35 described by Subsection (f) on the same terms as the district
1-36 imposes an impact fee on other property if the owner of the property
1-37 requests water or sewer services for that property from the
1-38 district.

1-39 (i) Subsection (f) does not affect a district's authority to
1-40 impose an ad valorem tax on property in the boundaries of the
1-41 district under this chapter or other law.

1-42 SECTION 2. This Act takes effect September 1, 2009.

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