

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

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.

**ADOPTED**

MAY 18 2009

*Atay Spaw*  
Secretary of the Senate

By: Hamilton

H.B. No. 3435

Substitute the following for \_\_.B. No. \_\_\_\_\_:

By: Johnson

C.S. \_\_.B. No. \_\_\_\_\_

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(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 person who owns pipelines used for the transportation or sale of carbon dioxide;

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

(5) 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

1 office space.

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

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

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

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

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 19, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3435** by Hamilton (Relating to exempting certain utility property from impact fees and assessments in certain water districts.), **As Passed 2nd House**

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

The bill would amend the Water Code to prohibit, with exceptions, certain water districts from imposing an impact fee, standby fee, or assessment on the property, equipment, rights-of-way, easements, facilities, or improvements of various utilities identified in the bill.

**Local Government Impact**

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

**Source Agencies:**

**LBB Staff:** JOB, SD, DB, CL, SZ



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 12, 2009**

**TO:** Honorable Kip Averitt, Chair, Senate Committee on Natural Resources

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB3435** by Hamilton (Relating to exempting certain utility property from impact fees and assessments in certain water districts.), **Committee Report 2nd House, Substituted**

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

The bill would amend the Water Code to prohibit, with exceptions, certain water districts from imposing an impact fee, standby fee, or assessment on the property, equipment, rights-of-way, easements, facilities, or improvements of various utilities identified in the bill.

**Local Government Impact**

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

**Source Agencies:**

**LBB Staff:** JOB, DB, CL, SZ





**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 1, 2009**

**TO:** Honorable Kip Averitt, Chair, Senate Committee on Natural Resources

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3435** by Hamilton (Relating to exempting certain utility property from impact fees and assessments in certain water districts.), **As Engrossed**

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

The bill would amend the Water Code to prohibit, with exceptions, certain water districts from imposing an impact fee, standby fee, or assessment on the property, equipment, rights-of-way, easements, facilities, or improvements of various utilities identified in the bill.

**Local Government Impact**

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

**Source Agencies:**

**LBB Staff:** JOB, CL, SZ, DB



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

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 14, 2009**

**TO:** Honorable Allan Ritter, Chair, House Committee on Natural Resources

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3435** by Hamilton (relating to exempting certain utility property from impact fees and assessments in certain water districts.), **Committee Report 1st House, Substituted**

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

The bill would amend the Water Code to prohibit, with exceptions, certain water districts from imposing an impact fee, standby fee, or assessment on the property, equipment, rights-of-way, easements, facilities, or improvements of various utilities identified in the bill.

**Local Government Impact**

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

**Source Agencies:**

**LBB Staff:** JOB, SZ, DB



**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 29, 2009**

**TO:** Honorable Allan Ritter, Chair, House Committee on Natural Resources

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3435** by Hamilton (Relating to exempting utility property from impact fees and assessments in certain districts.), **As Introduced**

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

The bill would prohibit certain districts from imposing an impact fee or assessment on the property, including the equipment, rights-of-way, facilities, or improvements, of an electric utility or a power generation company, a gas utility, a telecommunications provider, or a person who provides the public cable service, video service, or advanced telecommunications services.

**Local Government Impact**

The applicable districts are certain Development, Improvement, and Management Districts; Fresh Water Supply Districts; Municipal Utility Districts; and Water Control and Improvement Districts.

An applicable special district would experience a revenue loss if the district currently imposes an impact fee. The loss would vary by district depending on the amount of fee currently imposed and on the number of utilities assessed the fees. An applicable special district that does not impose an impact fee on any of the listed utilities would not experience a fiscal impact. None of the districts contacted by the Legislative Budget Board currently imposes an impact fee and therefore would not experience a fiscal impact.

Municipally owned or county owned utilities would not be affected by the bill, as they are exempt from impact fees.

**Source Agencies:**

**LBB Staff:** JOB, WK, DB



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

**WATER DEVELOPMENT POLICY IMPACT STATEMENT**

**81ST LEGISLATIVE REGULAR SESSION**

**April 13, 2009**

**TO:** Honorable Allan Ritter, Chair, House Committee on Natural Resources

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB3435** by Hamilton (relating to exempting certain utility property from impact fees and assessments in certain water districts. ), **Committee Report 1st House, Substituted**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

"No Water Development Policy Impact Statement will be prepared for this bill under the provisions of *Texas Constitution*, Article 16, Section 59(d), as this bill does not create a conservation and reclamation district."

**Source Agencies:** 580 Water Development Board, 582 Commission on Environmental Quality

**LBB Staff:** JOB, CL





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

**WATER DEVELOPMENT POLICY IMPACT STATEMENT**

**81ST LEGISLATIVE REGULAR SESSION**

**March 29, 2009**

**TO:** Honorable Allan Ritter, Chair, House Committee on Natural Resources

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3435** by Hamilton (Relating to exempting utility property from impact fees and assessments in certain districts.), **As Introduced**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

No Water Development Policy Impact Statement will be prepared for this bill under the provisions of *Texas Constitution*, Article 16, Section 59(d), as this bill does not create a conservation and reclamation district.

**Source Agencies:** 580 Water Development Board, 582 Commission on Environmental Quality

**LBB Staff:** JOB, WK

