

By: Dutton

H.B. No. 1022

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the exemption of certain property from municipal
3 drainage service charges and from related ordinances, resolutions,
4 and rules.

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

6 SECTION 1. Section 552.053(e), Local Government Code, as
7 added by Chapters 278 (S.B. 874) and 539 (S.B. 1522), Acts of the
8 81st Legislature, Regular Session, 2009, is reenacted and amended
9 to read as follows:

10 (e) The following property is exempt from drainage charges
11 under Section 552.047 and all ordinances, resolutions, and rules
12 adopted under this subchapter:

13 (1) property owned by a county in which a municipality
14 described by Section 552.044(8)(A) is located;

15 (2) property owned by a school district located wholly
16 or partly in a municipality described by Section 552.044(8)(A); and

17 (3) property located in a municipality with a
18 population of 2.2 million or more that is owned by:

19 (A) a church, synagogue, or other organization or
20 association organized primarily for religious purposes;

21 (B) a nonprofit organization that is exempt from
22 federal income taxation under Section 501(a), Internal Revenue Code
23 of 1986, by being certified as an exempt organization under Section
24 501(c)(3) of that code; or

1 (C) an entity authorized to impose a tax.

2 SECTION 2. Section 580.003, Local Government Code, as
3 amended by Chapters 1356 (H.B. 462) and 1430 (S.B. 3), Acts of the
4 80th Legislature, Regular Session, 2007, is reenacted and amended
5 to read as follows:

6 Sec. 580.003. EXEMPTIONS OF CERTAIN PROPERTY FROM
7 INFRASTRUCTURE FEES. (a) Except as provided by Subsection (b), no
8 county, municipality, or utility district may collect from a state
9 agency or a public or private institution of higher education any
10 fee charged for the development or maintenance of programs or
11 facilities for the control of excess water or storm water.

12 (b) A municipality with a population of 25,000 or less and
13 through which the Bosque River runs may collect from a state agency
14 or public institution of higher education a fee charged for the
15 development or maintenance of programs or [~~of~~] facilities for the
16 control of excess water or storm water.

17 (c) A municipality with a population of 2.2 million or more
18 may not collect any fee charged for the development or maintenance
19 of programs or facilities for the control of excess water or storm
20 water from:

21 (1) a church, synagogue, or other organization or
22 association organized primarily for religious purposes;

23 (2) a nonprofit organization that is exempt from
24 federal income taxation under Section 501(a), Internal Revenue Code
25 of 1986, by being certified as an exempt organization under Section
26 501(c)(3) of that code; or

27 (3) an entity authorized to impose a tax.

1 SECTION 3. To the extent of any conflict, this Act prevails
2 over another Act of the 82nd Legislature, Regular Session, 2011,
3 relating to nonsubstantive additions to and corrections in enacted
4 codes.

5 SECTION 4. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2011.