

By: Dutton

H.B. No. 2262

Substitute the following for H.B. No. 2262:

By: Simpson

C.S.H.B. No. 2262

A BILL TO BE ENTITLED

AN ACT

relating to municipal fees.

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

SECTION 1. Subchapter Z, Chapter 214, Local Government Code, is amended by adding Section 214.907 to read as follows:

Sec. 214.907. REAUTHORIZATION OF BUILDING PERMIT FEES. (a)

In this section, "building permit fee" means a fee charged by a municipality as a condition to constructing, renovating, or remodeling a structure.

(b) A building permit fee is abolished on the 10th anniversary after the date the fee is adopted or most recently reauthorized under this section unless the governing body of the municipality that adopted or reauthorized the fee:

(1) holds a public hearing on the reauthorization of the fee; and

(2) reauthorizes the fee by vote of the governing body.

SECTION 2. Subsection (e), Section 552.053, Local Government Code, as added by Chapters 278 (S.B. 874) and 539 (S.B. 1522), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

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

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

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

5 (3) property located in a municipality with a
6 population of 1.9 million or more that is owned by:

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

9 (B) a nonprofit organization that is exempt from
10 federal income taxation under Section 501(a), Internal Revenue Code
11 of 1986, by being certified as an exempt organization under Section
12 501(c)(3) of that code; or

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

14 SECTION 3. Section 552.053, Local Government Code, is
15 amended by adding Subsection (f) to read as follows:

16 (f) A municipality with a population of 1.9 million or more
17 may not increase a drainage charge on nonexempt property to
18 compensate for amounts not collected as a result of providing
19 exemptions required by this section.

20 SECTION 4. Section 580.003, Local Government Code, as
21 redesignated by Chapter 885 (H.B. 2278), Acts of the 80th
22 Legislature, Regular Session, 2007, and amended by Chapters 1356
23 (H.B. 462) and 1430 (S.B. 3), Acts of the 80th Legislature, Regular
24 Session, 2007, is reenacted and amended to read as follows:

25 Sec. 580.003. EXEMPTIONS OF CERTAIN PROPERTY FROM
26 INFRASTRUCTURE FEES. (a) Except as provided by Subsection (b), no
27 county, municipality, or utility district may collect from a state

1 agency or a public or private institution of higher education any
2 fee charged for the development or maintenance of programs or
3 facilities for the control of excess water or storm water.

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

9 (c) A municipality with a population of 1.9 million or more
10 may not collect any fee charged for the development or maintenance
11 of programs or facilities for the control of excess water or storm
12 water from:

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

15 (2) a nonprofit organization that is exempt from
16 federal income taxation under Section 501(a), Internal Revenue Code
17 of 1986, by being certified as an exempt organization under Section
18 501(c)(3) of that code; or

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

20 (d) A municipality with a population of 1.9 million or more
21 may not increase a fee on nonexempt property to compensate for
22 amounts not collected as a result of providing exemptions required
23 by this section.

24 SECTION 5. To the extent of any conflict, this Act prevails
25 over another Act of the 82nd Legislature, Regular Session, 2011,
26 relating to nonsubstantive additions to and corrections in enacted
27 codes.

1 SECTION 6. 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, 2011.