

By: Patrick

S.B. No. 714

A BILL TO BE ENTITLED

1 AN ACT
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. Subsection (e), Section 552.053, Local
7 Government Code, as added by Chapters 278 (S.B. 874) and 539 (S.B.
8 1522), Acts of the 81st Legislature, Regular Session, 2009, is
9 reenacted and amended 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 1.9 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 552.053, Local Government Code, is
3 amended by adding Subsection (f) to read as follows:

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

8 SECTION 3. Section 580.003, Local Government Code, as
9 redesignated by Chapter 885 (H.B. 2278), Acts of the 80th
10 Legislature, Regular Session, 2007, and amended by Chapters 1356
11 (H.B. 462) and 1430 (S.B. 3), Acts of the 80th Legislature, Regular
12 Session, 2007, is reenacted and amended to read as follows:

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

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

24 (c) A municipality with a population of 1.9 million or more
25 may not collect any fee charged for the development or maintenance
26 of programs or facilities for the control of excess water or storm
27 water from:

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

3 (2) a nonprofit organization that is exempt from
4 federal income taxation under Section 501(a), Internal Revenue Code
5 of 1986, by being certified as an exempt organization under Section
6 501(c)(3) of that code; or

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

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

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

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