

1-1 By: Patrick S.B. No. 714
1-2 (In the Senate - Filed February 15, 2011; February 23, 2011,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; April 4, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 3, Nays 1;
1-6 April 4, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 714 By: Patrick

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

1-10 relating to the exemption of certain property from municipal
1-11 drainage service charges and from related ordinances, resolutions,
1-12 and rules.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subsection (e), Section 552.053, Local
1-15 Government Code, as added by Chapters 278 (S.B. 874) and 539 (S.B.
1-16 1522), Acts of the 81st Legislature, Regular Session, 2009, is
1-17 reenacted and amended to read as follows:

1-18 (e) The following property is exempt from drainage charges
1-19 under Section 552.047 and all ordinances, resolutions, and rules
1-20 adopted under this subchapter:

1-21 (1) property owned by a county in which a municipality
1-22 described by Section 552.044(8)(A) is located;

1-23 (2) property owned by a school district located wholly
1-24 or partly in a municipality described by Section 552.044(8)(A); and

1-25 (3) property located in a municipality with a
1-26 population of 1.9 million or more that is owned by:

1-27 (A) a church, synagogue, or other organization or
1-28 association organized primarily for religious purposes;

1-29 (B) a nonprofit organization that is exempt from
1-30 federal income taxation under Section 501(a), Internal Revenue Code
1-31 of 1986, by being certified as an exempt organization under Section
1-32 501(c)(3) of that code; or

1-33 (C) an entity authorized to impose a tax.

1-34 SECTION 2. Section 552.053, Local Government Code, is
1-35 amended by adding Subsection (f) to read as follows:

1-36 (f) A municipality with a population of 1.9 million or more
1-37 may not increase a drainage charge on nonexempt property to
1-38 compensate for amounts not collected as a result of providing
1-39 exemptions required by this section.

1-40 SECTION 3. Section 580.003, Local Government Code, as
1-41 redesignated by Chapter 885 (H.B. 2278), Acts of the 80th
1-42 Legislature, Regular Session, 2007, and amended by Chapters 1356
1-43 (H.B. 462) and 1430 (S.B. 3), Acts of the 80th Legislature, Regular
1-44 Session, 2007, is reenacted and amended to read as follows:

1-45 Sec. 580.003. EXEMPTIONS OF CERTAIN PROPERTY FROM
1-46 INFRASTRUCTURE FEES. (a) Except as provided by Subsection (b), no
1-47 county, municipality, or utility district may collect from a state
1-48 agency or a public or private institution of higher education any
1-49 fee charged for the development or maintenance of programs or
1-50 facilities for the control of excess water or storm water.

1-51 (b) A municipality with a population of 25,000 or less and
1-52 through which the Bosque River runs may collect from a state agency
1-53 or public institution of higher education a fee charged for the
1-54 development or maintenance of programs or ~~of~~ facilities for the
1-55 control of excess water or storm water.

1-56 (c) A municipality with a population of 1.9 million or more
1-57 may not collect any fee charged for the development or maintenance
1-58 of programs or facilities for the control of excess water or storm
1-59 water from:

1-60 (1) a church, synagogue, or other organization or
1-61 association organized primarily for religious purposes;

1-62 (2) a nonprofit organization that is exempt from
1-63 federal income taxation under Section 501(a), Internal Revenue Code

2-1 of 1986, by being certified as an exempt organization under Section
2-2 501(c)(3) of that code; or

2-3 (3) an entity authorized to impose a tax.

2-4 (d) A municipality with a population of 1.9 million or more
2-5 may not increase a fee on nonexempt property to compensate for
2-6 amounts not collected as a result of providing exemptions required
2-7 by this section.

2-8 SECTION 4. To the extent of any conflict, this Act prevails
2-9 over another Act of the 82nd Legislature, Regular Session, 2011,
2-10 relating to nonsubstantive additions to and corrections in enacted
2-11 codes.

2-12 SECTION 5. This Act takes effect immediately if it receives
2-13 a vote of two-thirds of all the members elected to each house, as
2-14 provided by Section 39, Article III, Texas Constitution. If this
2-15 Act does not receive the vote necessary for immediate effect, this
2-16 Act takes effect September 1, 2011.

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