

BILL ANALYSIS

C.S.H.B. 2152
By: Callegari
Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Recent legislative efforts had the intent of requiring a municipally owned utility that provides nonsubmetered master metered utility service to a recreational vehicle park to determine the rates for that service on the same basis the utility uses to determine the rates for other commercial businesses that receive nonsubmetered master metered utility service from the utility. Interested parties have raised concerns that certain municipalities have not treated recreational vehicle parks as a commercial business for the purposes of certain water fees. C.S.H.B. 2152 seeks to clarify existing law to ensure that these parks are treated similarly to commercial businesses in regard to certain water fees.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2152 amends the Water Code to prohibit a municipality with a municipally owned utility that provides nonsubmetered master metered utility service to a recreational vehicle park from charging the park a fee that the utility does not charge other commercial businesses that serve transient customers and receive nonsubmetered master metered utility service from the utility. The bill prohibits certain general and special law districts that provide potable water or sewer service to household users and that establish, operate, or maintain a fire department from imposing a fire department service fee to a recreational vehicle park on the basis of connections the park provides for the park's transient customers. The bill requires a service fee imposed on a recreational vehicle park to be based on the nonsubmetered master meter connection.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2152 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 13, Section 13.087, Water Code, is amended to read as follows:
Sec. 13.087. MUNICIPAL RATES FOR CERTAIN RECREATIONAL VEHICLE

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 13.087, Water Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

83R 20394

13.94.585

Substitute Document Number: 83R 13128

PARKS. (a) In this section:

(1) "Nonsubmetered master metered utility service" means potable water service that is master metered but not submetered and wastewater service that is based on master metered potable water service.

(2) "Recreational vehicle" includes a:

(A) "house trailer" as that term is defined by Section 501.002, Transportation Code; and

(B) "towable recreational vehicle" as that term is defined by Section 541.201, Transportation Code.

(3) "Recreational vehicle park" means a commercial property on which service connections are made for recreational vehicle transient guest use and for which fees are paid at intervals of one day or longer.

(b) A municipally owned utility that provides nonsubmetered master metered utility service to a recreational vehicle park shall determine the rates for that service on the same basis the utility uses to determine the rates for other commercial businesses, ~~including hotels and motels,~~ that serve transient customers and receive nonsubmetered master metered utility service from the utility. Fees may not be assessed by the municipality that would not otherwise apply to any other commercial businesses.

(c) Notwithstanding any other provision of this chapter, the commission has jurisdiction to enforce this section.

SECTION 2. Chapter 49, Subchapter L, Water Code, is amended by adding subsection (m) as follows:

(m)

(b) A municipally owned utility that provides nonsubmetered master metered utility service to a recreational vehicle park shall determine the rates for that service on the same basis the utility uses to determine the rates for other commercial businesses~~;~~ ~~including hotels and motels;~~ that serve transient customers and receive nonsubmetered master metered utility service from the utility.

(b-1) A municipally owned utility that provides nonsubmetered master metered utility service to a recreational vehicle park may not charge a recreational vehicle park a fee that the utility does not charge other commercial businesses that serve transient customers and receive nonsubmetered master metered utility service from the utility.

SECTION 2. Section 49.351, Water Code, is amended by adding Subsection (m) to read as follows:

(m) Notwithstanding any other provision of this section, a district may not charge a fee to a recreational vehicle park, as defined by Section 13.087, on the basis of connections the park provides for the park's transient customers. A fee charged to a

fees for recreational vehicle parks shall be based only on the nonsubmetered master meter connection.

SECTION 3. This Act takes effect September 1, 2013.

recreational vehicle park must be based on the park's nonsubmetered master meter connection.

SECTION 3. Same as introduced version.