

SENATE AMENDMENTS

2nd Printing

By: Callegari

H.B. No. 2152

A BILL TO BE ENTITLED

AN ACT

relating to fees charged to certain recreational vehicle parks.

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

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

(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

1 provides for the park's transient customers. A fee charged to a
2 recreational vehicle park must be based on the park's nonsubmetered
3 master meter connection.

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

FLOOR AMENDMENT NO. 1

ADOPTED

BY:

Eddie Lucio, Jr.

MAY 20 2013

Letty Spaul
Secretary of the Senate

1 Amend H.B. No. 2152 (Senate Committee report) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS accordingly:

4 SECTION ____ . Section 30.05(b)(10), Penal Code, is amended
5 to read as follows:

6 (10) "Recreational vehicle park" has the meaning
7 assigned by Section 13.087, Water [~~means a tract of land that~~
8 ~~has rental spaces for two or more recreational vehicles, as~~
9 ~~defined by Section 522.004, Transportation]~~ Code.

10 SECTION ____ . Section 94.001(3), Property Code, is amended
11 to read as follows:

12 (3) "Manufactured home" has the meaning assigned by
13 Section 1201.003, Occupations Code[, ~~and for purposes of this~~
14 ~~chapter, a reference to a manufactured home includes a~~
15 ~~recreational vehicle)].~~

16 SECTION ____ . Section 94.002, Property Code, is amended to
17 read as follows:

18 Sec. 94.002. APPLICABILITY. (a) This chapter applies
19 only to the relationship between a landlord who leases property
20 in a manufactured home community and a tenant leasing property
21 in the manufactured home community for the purpose of situating
22 a manufactured home [~~or a recreational vehicle]~~ on the property.

23 (b) This chapter does not apply to the relationship
24 between:

25 (1) a landlord who owns a manufactured home and a
26 tenant who leases the manufactured home from the landlord;

27 (2) a landlord who leases property in a manufactured
28 home community and a tenant leasing property in the manufactured
29 home community for the placement of personal property to be used

1 for human habitation, excluding a manufactured home [~~or a~~
2 ~~recreational vehicle~~]; or

3 (3) a landlord and an employee or an agent of the
4 landlord.

5 SECTION ____. Section 184.011(2), Utilities Code, is
6 amended to read as follows:

7 (2) "Dwelling unit":

8 (A) means:

9 (i) [~~(A)~~] one or more rooms that are
10 suitable for occupancy as a residence and that contain kitchen
11 and bathroom facilities; or

12 (ii) [~~(B)~~] a mobile home in a mobile home
13 park; and

14 (B) does not include a recreational vehicle, as
15 defined by Section 522.004(b), Transportation Code.

16 SECTION ____. Subchapter C, Chapter 184, Utilities Code, is
17 amended by adding Section 184.036 to read as follows:

18 Sec. 184.036. UTILITY CUTOFF AT RECREATIONAL VEHICLE PARK.

19 Notwithstanding any other law, a person who operates a
20 recreational vehicle park, as defined by Section 13.087, Water
21 Code, may withhold electric, water, or wastewater utility
22 services from a person occupying a recreational vehicle at the
23 park if the occupant is delinquent in paying for utility
24 services provided by the operator until the occupant pays the
25 delinquent amount.

26 SECTION ____. Section 13.087(a)(3), Water Code, is amended
27 to read as follows:

28 (3) "Recreational vehicle park" means a commercial
29 property:

30 (A) that is designed primarily [~~on which service~~
31 ~~connections are made~~] for recreational vehicle transient guest

1 use; and

2 (B) for which fees for site service connections
3 for recreational vehicles, as defined by Section 522.004(b),
4 Transportation Code, are paid daily, weekly, or monthly [at
5 intervals of one day or longer].

6 SECTION ____ . Section 49.2122(a-1), Water Code, is amended
7 to read as follows:

8 (a-1) Notwithstanding Subsection (a), a district that
9 provides nonsubmetered master metered utility service, as
10 defined by Section 13.087(a)(1), to a recreational vehicle park,
11 as defined by Section 13.087(a)(3):

12 (1) [7] shall determine the rates for that service on
13 the same basis the district uses to determine the rates for
14 other commercial businesses that serve transient customers and
15 receive nonsubmetered master metered utility service from the
16 district; and

17 (2) may not charge a person who owns or operates a
18 recreational vehicle park that receives nonsubmetered master
19 metered utility service from the district an administrative fee
20 for the services provided.

21 SECTION ____ . Sections 94.001(8) and (10), Property Code,
22 are repealed.

23

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 20, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2152 by Callegari (Relating to fees charged to certain recreational vehicle parks.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code, the Property Code and the Utilities Code to provide definitions and requirements related to recreational vehicles (RVs) and RV parks, manufactured homes, and dwelling unit.

The bill would amend Chapters 13 and 49 of the Water Code to establish requirements regarding rates for nonsubmetered master metered utility services to an RV park and would not allow an administrative fee to be imposed as defined by the provisions of the bill.

The bill would repeal Sections 94.001 (8) and (10) of the Property Code.

The Public Utility Commission indicated no significant fiscal impact is anticipated; and any additional work resulting from the implementation of the requirements could be accomplished using existing resources.

The Texas Commission on Environmental Quality (TCEQ) would have jurisdiction to enforce the provisions and would be required to engage in rulemaking. According to TCEQ, the provisions of the bill would not have a significant fiscal impact on the agency.

According to the Comptroller of Public Accounts, the fiscal impact to the state cannot be estimated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 582 Commission on Environmental Quality, 473 Public Utility Commission of Texas

LBB Staff: UP, SZ, KKR, SD, TP, RB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 14, 2013

TO: Honorable Troy Fraser, Chair, Senate Committee on Natural Resources

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2152 by Callegari (Relating to fees charged to certain recreational vehicle parks.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Water Code to provide that 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. The municipality could not impose fees that the utility does not charge other commercial businesses; and the fee must be based on the park's nonsubmetered master meter connection.

The Texas Commission on Environmental Quality (TCEQ) would have jurisdiction to enforce the provisions and would be required to engage in rulemaking. According to TCEQ, the provisions of the bill would not have a significant fiscal impact on the agency.

According to the Comptroller of Public Accounts, the fiscal impact to the State cannot be estimated.

Local Government Impact

The provisions of the bill are not anticipated to have a significant fiscal impact on the rates municipalities currently charge recreational vehicle parks. No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 582 Commission on Environmental Quality

LBB Staff: UP, SZ, KKR, SD, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 5, 2013

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Urban Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2152 by Callegari (relating to fees charged to certain recreational vehicle parks.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Water Code to provide that 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. The municipality could not impose fees that the utility does not charge other commercial businesses; and the fee must be based on the park's nonsubmetered master meter connection.

The Texas Commission on Environmental Quality (TCEQ) would have jurisdiction to enforce the provisions and would be required to engage in rulemaking. According to TCEQ, the provisions of the bill would not have a significant fiscal impact on the agency.

According to the Comptroller of Public Accounts, the fiscal impact to the State cannot be estimated.

Local Government Impact

The provisions of the bill are not anticipated to have a significant fiscal impact on the rates municipalities currently charge recreational vehicle parks. No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 582 Commission on Environmental Quality

LBB Staff: UP, KKR, SD, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 27, 2013

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Urban Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2152 by Callegari (Relating to fees for certain recreational vehicle parks.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Water Code to provide that 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. The municipality could not impose fees that would not otherwise apply to other commercial businesses; and must be based only on the nonsubmetered master meter connection.

The Texas Commission on Environmental Quality (TCEQ) would have jurisdiction to enforce the provisions and would be required to engage in rulemaking. According to TCEQ, the provisions of the bill would not have a significant fiscal impact on the agency.

According to the Comptroller of Public Accounts, the fiscal impact to the State cannot be estimated.

Local Government Impact

The provisions of the bill are not anticipated to have a significant fiscal impact on the rates municipalities currently charge recreational vehicle parks. No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 582 Commission on Environmental Quality

LBB Staff: UP, KKR, SD, TP