

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

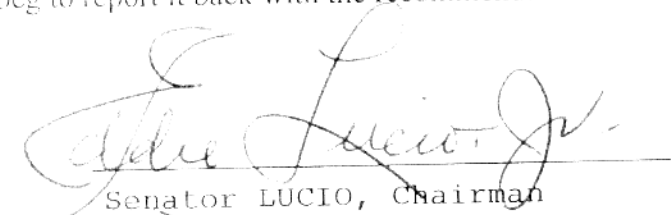
5-21-73
Date

Honorable David Dewhurst
President of the Senate

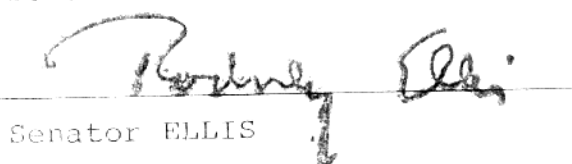
Honorable Joe Straus
Speaker of the House of Representatives

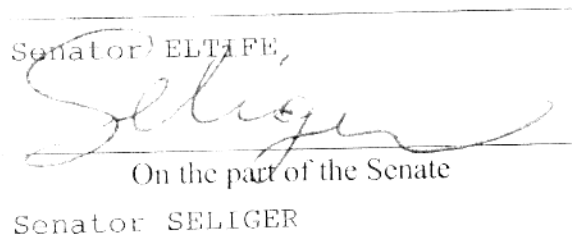
Sirs:

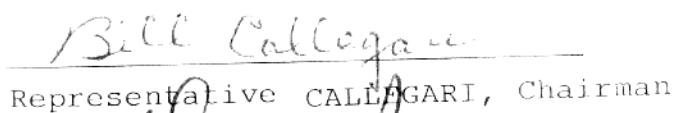
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on House Bill No. 2152 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

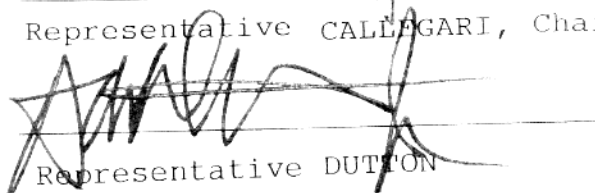

Senator LUCIO, Chairman

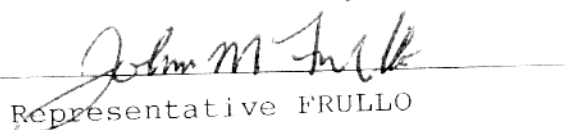

Senator DEUELL

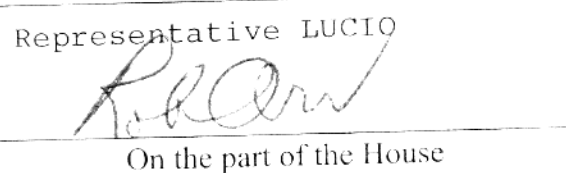

Senator ELLIS

Senator ELTIFE,

On the part of the Senate
Senator SELIGER


Representative CALLEGARI, Chairman


Representative DUTTON


Representative FRULLO

Representative LUCIO

On the part of the House

Representative ORR

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 2152

A BILL TO BE ENTITLED

1 AN ACT

2 relating to fees charged to certain recreational vehicle parks.

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

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

7 (b) A municipally owned utility that provides nonsubmetered
8 master metered utility service to a recreational vehicle park shall
9 determine the rates for that service on the same basis the utility
10 uses to determine the rates for other commercial businesses[
11 ~~including hotels and motels,~~] that serve transient customers and
12 receive nonsubmetered master metered utility service from the
13 utility.

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

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

22 (m) Notwithstanding any other provision of this section, a
23 district may not charge a fee to a recreational vehicle park, as
24 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.

House Bill 2152
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

No equivalent provision.

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

(10) "Recreational vehicle park" has the meaning assigned by Section 13.087, Water ~~[means a tract of land that has rental spaces for two or more recreational vehicles, as defined by Section 522.004, Transportation]~~ Code. [FA1]

No equivalent provision.

No equivalent provision.

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

(3) "Manufactured home" has the meaning assigned by Section 1201.003, Occupations Code~~[- and for purposes of this chapter, a reference to a manufactured home includes a recreational vehicle].~~ [FA1]

No equivalent provision.

No equivalent provision.

SECTION __. Section 94.002, Property Code, is amended to read as follows:

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

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

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

(2) a landlord who leases property in a manufactured home community and a tenant leasing property in the manufactured home community for the placement of personal property to be used for human habitation, excluding a manufactured home ~~[or a recreational vehicle]~~; or

No equivalent provision.

House Bill 2152
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(3) a landlord and an employee or an agent of the landlord.
[FA1]

No equivalent provision.

SECTION __. Section 184.011(2), Utilities Code, is amended to read as follows:
(2) "Dwelling unit";
(A) means:
(i) ~~[(A)]~~ one or more rooms that are suitable for occupancy as a residence and that contain kitchen and bathroom facilities;
or
(ii) ~~[(B)]~~ a mobile home in a mobile home park; and
(B) does not include a recreational vehicle, as defined by Section 522.004(b), Transportation Code. [FA1]

No equivalent provision.

No equivalent provision.

SECTION __. Subchapter C, Chapter 184, Utilities Code, is amended by adding Section 184.036 to read as follows:
Sec. 184.036. UTILITY CUTOFF AT RECREATIONAL VEHICLE PARK. Notwithstanding any other law, a person who operates a recreational vehicle park, as defined by Section 13.087, Water Code, may withhold electric, water, or wastewater utility services from a person occupying a recreational vehicle at the park if the occupant is delinquent in paying for utility services provided by the operator until the occupant pays the delinquent amount. [FA1]

No equivalent provision.

No equivalent provision.

SECTION __. Section 13.087(a)(3), Water Code, is amended to read as follows:
(3) "Recreational vehicle park" means a commercial property;
(A) that is designed primarily ~~[on which service connections~~

No equivalent provision.

House Bill 2152
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

~~are made~~] for recreational vehicle transient guest use; and
(B) for which fees for site service connections for recreational
vehicles, as defined by Section 522.004(b), Transportation
Code, are paid daily, weekly, or monthly ~~[at intervals of one
day or longer]~~. [FA1]

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 1. Same as House version.

SECTION 1. Same as House version.

No equivalent provision.

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

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

(1) [;] shall determine the rates for that service on the same

No equivalent provision.

House Bill 2152
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

basis the district uses to determine the rates for other commercial businesses that serve transient customers and receive nonsubmetered master metered utility service from the district; and
(2) may not charge a person who owns or operates a recreational vehicle park that receives nonsubmetered master metered utility service from the district an administrative fee for the services provided. [FA1]

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

SECTION 2. Same as House version.

SECTION 2. Same as House version.

No equivalent provision.

SECTION __. Sections 94.001(8) and (10), Property Code, are repealed. [FA1]

No equivalent provision.

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

SECTION 3. Same as House version.

SECTION 3. Same as House version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 25, 2013

TO: Honorable David Dewhurst, Lieutenant Governor, Senate
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.),
Conference Committee Report

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, 473 Public Utility Commission of Texas

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

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 2152 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.

Bill Callegan
(name)

5-24-13
(date)