

SUBJECT: Infrastructure fee collection from governmental entities by municipalities

COMMITTEE: Natural Resources — committee substitute recommended

VOTE: 9 ayes — Puente, Hamilton, Gattis, Creighton, Gallego, Guillen,
Hilderbran, Laubenberg, O'Day

0 nays

WITNESSES: None

BACKGROUND: Local Government Code, sec. 430.003 holds that no county, municipality, or utility district may collect from a state agency or public institution of higher education any fee charged for the development or maintenance of programs of facilities for the control of excess water or storm water.

DIGEST: CSHB 462 would allow a municipality with a population of 25,000 or less and through which the Bosque River runs to collect a fee from a state agency or public institution of higher education for the development or maintenance of programs of facilities for the control of excess water or storm waters.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

SUPPORTERS SAY: CSHB 462 would allow the city of Stephenville to collect a fee for excess water and storm water drainage programs used by Tarleton State University. In 2003, the 78th Legislature enacted HB 2425 by McCall, which, among its many provisions, made public institutions of higher education exempt from storm water drainage fees. However, this exemption placed a hardship on certain smaller communities that fund these projects. Higher education institutions place a significant burden on storm water drainage systems in small communities where students represent a large portion of the local population.

The bill would apply to small municipalities located on the Bosque River, including Stephenville, which is home to Tarleton State University. The

municipality's population is approximately 15,000, and the university's student population is estimated at 7,000. Due to the university's impact on Stephenville, city officials want to assess a fee for excess water and storm water drainage programs used by the university.

Tarleton State University recognizes its impact upon Stephenville's water drainage system. Its location on a hill in the center of town leads to run-off during storms. The university wants to be a good neighbor and does not oppose this bill creating a narrow, targeted exception.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

HB 462 as introduced would have permitted any municipality with a population of 25,000 or less to charge and collect fees from state agencies and institutions under sec. 430.003.