

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1512

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International Relations Trade & Technology

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Committee Report (Substituted)

DIGEST

Currently, a significant number of people are living in subdivisions that have been developed in economically distressed areas throughout South Texas along the international border with Mexico and in some parts of East Texas. Many people purchased land in these subdivisions based on the assumption and sometimes on the promise of the developer, that basic service, such as water, sewer, electricity, and gas, would be provided. Many of these developers have disappeared without platting the subdivisions and without providing for basic services.

Texas penalizes the residents of subdivisions that have been abandoned by the developer. A water, sewer, electric, or gas utility is prohibited from providing hook-ups or service to residents of a subdivision that has not been platted. Therefore, even in subdivisions where current water, sewer, electric, or gas services exist, residents may be prohibited from utilizing those services. This prohibition on the utilization of existing services increases the risk of health hazard from third world illnesses for the residents of these subdivisions. Health risk along the border in affected countries, the mobile nature of the residents and trade, transportation, and commerce along the border of the United States increases the risk of disease spreading to the residents of this state. C.S.S.B. 1512 would allow utilities to serve residents who purchased lots prior to July 1, 1995 in subdivisions in which the utilities currently provide service.

PURPOSE

As proposed, C.S.S.B. 1512 outlines provisions regarding the provision of utility service in economically distressed areas.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 212.012, Local Government Code, by amending Subsections (a), (c), and (d), and by adding Subsection (e), to prohibit an entity described by Subsection (b) from serving or connecting any land with certain utility services unless the entity is in possession of a certificate applicable to the land issued under Section 212.0115 except as provided by Subsection (c). Sets forth instances in which an entity described by Subsection (b) is authorized to serve or connect with certain utility services regardless of whether the entity is in possession of a certificate applicable to the land issued under Section 212.0115. Deletes text describing an area for which this section does not apply. Sets forth instances in which an entity described by Subsection (b) is authorized to provide utility service to land described by Subsection (c)(4). Deletes existing Subsection (d) regarding certain prohibitions. Requires the municipal authority to provide, on request, to the attorney general and any appropriate local, county, or state law enforcement official a copy of any document on which the municipal authority relied in determining the legality of providing service.

SECTION 2. Amends Section 232.029, Local Government Code, to prohibit a utility from serving or connecting any subdivided land with water or sewer services unless the utility is in possession of a certain certificate or receives a certain determination from the commissioners court, except as provided by Subsection (c) or Section 232.037(c). Sets forth instances in which a certain service utility is authorized to serve or connect subdivided land with certain utility services regardless of

whether the utility receives a certificate issued by the commissioners court under Section 232.028(a) or receives a determination from the commissioners court under Section 232.028(b). Sets forth instances in which a utility is authorized to provide utility service to subdivided land described by Subsection (c). Requires the commissioners court to provide, on request, to the attorney general and any appropriate local, county, or state law enforcement official a copy of any document on which the commissioners court relied in determining the legality of providing service. Deletes text prohibiting an electric or gas utility from providing electric or gas utility connection or service to a certain lot by a certain subdivider prior to July 1, 1995. Makes a conforming change.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amends proposed relating clause.

SECTION 1.

Amends Section 212.012, Local Government Code, by amending Subsections (a), (c), and (d), and by adding Subsection (e), regarding the provision of utility service in certain areas. Deletes text regarding the applicability of the text to certain areas.

SECTION 2.

Amends Section 232.029, Local Government Code, regarding the connection of utilities and the provision of utility service to certain areas. Deletes text regarding prohibitions for the connection of utilities.

SECTION 3.

Amends the effective date to September 1, 1997.

SECTION 4.

Adds SECTION 4 regarding the emergency clause.