

## **BILL ANALYSIS**

Senate Research Center  
76R11222 JJT-F

C.S.S.B. 1411  
By: Zaffirini  
Border Affairs - Special  
4/7/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, H.B. 1001 prohibits providing utility services to residents living in unplatted colonias, if the land was purchased after a certain date. This bill became effective July 1995, for colonias located outside a city's extraterritorial jurisdiction (ETJ), and September 1995, for colonias located within a city's ETJ. C.S.S.B. 1411 would authorize utility services for residents living in subdivided land, if the residents provide an affidavit to the commissioners court stating that the land was not sold or conveyed to that resident after September 1, 1995.

### **PURPOSE**

As proposed, C.S.S.B. 1411 allows residents living on subdivided land to receive certain utility services.

### **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, to authorize an entity described by Subsection (b) to serve or connect land with utilities, if the land is located in a county to which Chapter 232B applies, and is the site of construction of a residence, or the land was not subdivided after September 1, 1995, and certain conditions exist. Authorizes a person requesting service to obtain a certificate under Subsection (c)(4)(B), only if the person provides to the municipal authority responsible for approving plats an affidavit that states that the property was not sold or conveyed to that person from a subdivider or the subdivider's agent after September 1, 1995. Makes a standard recodification change. Makes conforming changes.

SECTION 2. Amends Section 232.029, Local Government Code, by amending Subsections (c), (d), and (e), and adding Subsection (f), adding a new Subsection (f), and relettering Subsections (f)-(i) as Subsections (g)-(j), to authorize utility services to serve or connect subdivided land with utilities, if a certificate issued by the commissioners court states certain provisions exist. Authorizes a person requesting service to obtain a certificate under Subsection (c)(2) only if the person provides to the commissioners court an affidavit that states that the property was not sold or conveyed to that person from a subdivider or the subdivider's agent after September 1, 1995. Makes conforming changes.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

#### **SECTION 1.**

Amends Section 212.012, Local Government Code, to authorize an entity described by Subsection (b) to serve or connect land with utilities, if the land is located in a county to which Chapter 232B applies, and is the site of construction of a residence, or the land was not subdivided after September 1, 1995, and certain conditions exist.

Adds Section 212.012(f), Local Government Code, to authorize a person requesting service to

obtain a certificate under Subsection (c)(4)(B), only if the person provides to the municipal authority responsible for approving plats an affidavit that states that the property was not sold or conveyed to that person from a subdivider or the subdivider's agent after September 1, 1995. Deletes the definition of "affected county." Makes a standard recodification change.

## SECTION 2.

Amends Section 239.029(c), Local Government Code, to authorize the utilities to serve or connect subdivided land with utilities, if a certificate issued by the commissioners court states certain existing provisions.

Adds Section 239.029(f), Local Government Code, to authorize a person requesting service to obtain a certificate under Subsection (c)(2), only if the person provides to the commissioners court an affidavit that states that the property was not sold or conveyed to that person from a subdivider or the subdivider's agent after September 1, 1995.

## SECTIONS 3-4.

Redesignated from SECTIONS 4 and 5. Deletes proposed SECTION 3 containing a repealer.