

## **BILL ANALYSIS**

Senate Research Center  
83R4967 JTS-F

S.B. 1599  
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3/25/2013  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

While legislation has been enacted and billions of dollars have been spent trying to eliminate or prevent the expansion and proliferation of colonias in Texas, they still exist and are still proliferating along the border. S.B. 1599 reflects recommendations made by the Task Force on Uniform County Subdivision Regulation. It amends the colonias statute and the Economically Distressed Areas Program statute to improve clarity and uniformity between the two statutes, granting the counties wider platting and subdivision regulation authority in unincorporated areas.

The bill prescribes a process for colonias to be identified by cities or counties for inclusion on the secretary of state's official list of colonias in Texas; permits counties to require platting of subdivisions if any lot is 10 acres or less; prohibits the connection of permanent water and sewer utilities to any residential structure unless the utility receives a certificate issued by the commissioners court that the residential structure complies with all county regulations applicable to the residential structure; and clarifies qualifications for grant funds under the Water Code.

As proposed, S.B. 1599 amends current law relating to county and municipal land development regulation.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Water Development Board is modified in SECTION 6 (Section 16.343, Water Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 405.021, Government Code, by adding Subsection (g-1), to provide that a system described by Subsection (g) (relating to requiring the secretary of state (SOS) to establish and maintain a statewide system for identifying colonias) is required to include a method for a municipality or county, on a form prescribed by SOS, to nominate an area for identification as a colonia, and is authorized to provide for the review of a nominated area by the Texas Water Development Board (TWDB), the office of the attorney general, or any other appropriate state agency as determined by SOS.

SECTION 2. Amends Section 232.022(a) and (d), Local Government Code, as follows:

(a) Provides that this subchapter (Subdivision Platting Requirements in County Near International Border) applies only to certain counties, including a county in which the commissioners court by order has adopted the model rules adopted under Section 16.343 (Minimum State Standards and Model Political Subdivision Rules), Water Code, and elects to operate under this subchapter.

(d) Provides that this subchapter does not apply if all of the lots of the subdivision are more than 10 acres, rather than if each of the lots of the subdivision is 10 or more acres.

SECTION 3. Amends Section 232.023, Local Government Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires a subdivider of land to have a plat of the subdivision prepared if at least one of the lots of the subdivision is five acres or less. Authorizes a commissioners court by order to require a subdivider of land to prepare a plat if none of the lots is five acres or less but at least one of the lots of a subdivision is more than five acres but not more than 10 acres.

(a-1) Creates this section from existing text and makes a nonsubstantive change.

SECTION 4. Amends Section 232.072, Local Government Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires the owner of a tract of land that divides the tract in any manner that creates at least one lot, rather than in any manner that creates lots, of five acres or less intended for residential purposes to have a plat of the subdivision prepared. Authorizes a commissioners court by order to require each subdivider of land to prepare a plat if none of the lots is five acres or less but at least one of the lots of the subdivision is more than five acres but not more than 10 acres.

(a-1) Creates this subsection from existing text and makes no further change to this subsection.

SECTION 5. Amends Subchapter Z, Chapter 233, Local Government Code, by adding Section 233.902, as follows:

Sec. 233.902. CONNECTION OF UTILITIES: RESIDENTIAL STRUCTURE. Prohibits a utility from serving or connecting any residential structure with permanent water, sewer, electricity, gas, or other utility service unless the utility receives a certificate issued by the commissioners court certifying that the residential structure complies with all county regulations applicable to the structure.

SECTION 6. Amends Section 16.343, Water Code, by adding Subsection (f) and amending Subsection (g), as follows:

(f) Authorizes the model rules, to augment regulatory compliance by political subdivisions, to impose requirements for platting, replatting, or any other method authorized by law. Authorizes a political subdivision that has adopted the model rules under this section, notwithstanding any other law to the contrary, to impose the platting requirements of Chapter 212 (Municipal Regulation of Subdivisions and Property Development) or 232 (County Regulation of Subdivisions), Local Government Code, as applicable, to a division of real property that is required to be platted or replatted by the provisions of the model rules.

(g) Provides that before an application for funds under Section 15.407 (Facility Engineering in Economically Distressed Areas) or Subchapter P (Colonia Self-Help Program), Chapter 15, or Subchapter K (Assistance to Economically Distressed Areas for Water Supply and Sewer Service Projects), Chapter 17, is authorized to be considered by the board, if the applicant is located:

(1) in a municipality, the municipality is required to adopt and enforce the model rules in accordance with this section;

(2) in the extraterritorial jurisdiction of a municipality, the applicant is required to demonstrate that the model rules have been adopted and are enforced in the extraterritorial jurisdiction by the municipality or the county; or

(3) outside the extraterritorial jurisdiction of a municipality, the county is required to adopt and enforce the model rules in accordance with this section

Deletes existing text requiring a political subdivision, before an application for funds under Section 15.407 or Subchapter P, Chapter 15, or Subchapter K, Chapter 17, is

authorized to be considered by TWDB, to adopt the model rules pursuant to this section. Deletes existing text requiring the applicant, if the applicant is a district, nonprofit water supply corporation, or colonia, to be located in a city or county that has adopted such rules. Deletes existing text prohibiting applicants for funds under Section 15.407 or Subchapter P, Chapter 15, or Subchapter K, Chapter 17, from receiving funds under those provisions unless the applicable political subdivision adopts and enforces the model rules.

SECTION 7. Makes application of this Act prospective.

SECTION 8. Effective date: September 1, 2013.