

## **BILL ANALYSIS**

C.S.H.B. 3068  
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Border & International Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Since 1989, the Legislature has passed legislation pertaining to the regulation of colonias, with the intention of stopping the proliferation of colonias by unscrupulous developers in border and economically distressed counties. The most significant changes for border counties occurred in 1995, when the Legislature enacted provisions that tightened restrictions on existing colonias and prohibited the sale of any residential lot without adequate water and sewer facilities.

With limited enforcement tools available, restrictions on the connection of utilities provided a solution to enforcement by the local government. However, many of these restrictions have resulted in an undue hardship on the purchasers of the properties that the laws were meant to protect and have resulted in further victimization, rather than simply preventing more victims of unscrupulous developers.

Currently, colonias are limited to providing only electricity or gas services to lots platted before 1989. Therefore, individual lots must now be re-platted before water or sewer services are connected. The result is not only undue financial burden to re-plate the entire tract of land; it also limits the ability to systematically phase in water and sewer services to areas that need it most.

C.S.H.B. 3068 will amend existing statutes that restrict utility connections and that penalize individual property owners who are not subdividers or developers of residential properties. This bill clarifies the grandfathering provisions regarding the sale of colonia property and ease the inordinate number of unfulfilled requests for utility connections from pre-existing colonias by allowing the connections to be made without a re-platting of land.

### **RULEMAKING AUTHORITY**

It is the opinion of the committee that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3068 amends the Local Government Code by amending provisions by which a utility is authorized to serve or connect certain lands, defining certain terms, amending the criteria by which a plat of land intended for residential use may be approved by the commissioners court, and amending certain duties of the commissioners court regarding certain lots or subdivisions. The bill also amends the Local Government Code by amending provisions by which a utility entity may serve or connect subdivided land. The bill further amends the Local Government Code by establishing provisions regarding the sell or lease of certain land by a developer, expanding certain existing provisions to include developers, and repealing Section 232.029(f).

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

### **COMPARISON BETWEEN COMMITTEE SUBSTITUTE AND ORIGINAL**

The substitute differs from the original by revising the provisions by which a utility is authorized to serve or connect certain lands by adding provisions relating to certain lands to which water service is available within 750 feet of the subdivided land or water service is available more than

750 feet from the subdivided land and the extension of the water service to the land may be feasible, subject to a final determination by the water service provider. The bill makes conforming changes relating to the new language and restores similar language previously deleted.