

1-1 By: Lucio S.B. No. 781
1-2 (In the Senate - Filed February 20, 2007; March 6, 2007,
1-3 read first time and referred to Committee on International
1-4 Relations and Trade; April 10, 2007, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 5,
1-6 Nays 0; April 10, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 781 By: Lucio

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to remedies available if a subdivider fails to provide
1-11 water or sewer services in certain subdivisions near an
1-12 international border.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subsection (a), Section 232.038, Local
1-15 Government Code, is amended to read as follows:

1-16 (a) Except as provided by Subsection (b), a person who has
1-17 purchased or is purchasing a lot after July 1, 1995, in a
1-18 subdivision for residential purposes that does not have water and
1-19 sewer services as required by this subchapter and is located in an
1-20 economically distressed area, as defined by Section 17.921, Water
1-21 Code, from a subdivider, may bring suit in the district court in
1-22 which the property is located or in a district court in Travis
1-23 County to:

1-24 (1) declare the sale of the property void, ~~and~~
1-25 require the subdivider to return the purchase price of the
1-26 property, ~~and~~ ⁺ and

1-27 ~~[(2)]~~ recover from the subdivider:

1-28 (A) the market value of any permanent
1-29 improvements the person placed on the property;

1-30 (B) actual expenses incurred as a direct result
1-31 of the failure to provide adequate water and sewer facilities;

1-32 (C) court costs; and

1-33 (D) reasonable attorney's fees; or

1-34 (2) enjoin a violation or threatened violation of
1-35 Section 232.032, require the subdivider to plat or replat under
1-36 Section 232.040, and recover from the subdivider:

1-37 (A) actual expenses incurred as a direct result
1-38 of the failure to provide adequate water and sewer facilities;

1-39 (B) court costs; and

1-40 (C) reasonable attorney's fees.

1-41 SECTION 2. This Act takes effect immediately if it receives
1-42 a vote of two-thirds of all the members elected to each house, as
1-43 provided by Section 39, Article III, Texas Constitution. If this
1-44 Act does not receive the vote necessary for immediate effect, this
1-45 Act takes effect September 1, 2007.

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