

SENATE AMENDMENTS

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H.B. No. 3068

A BILL TO BE ENTITLED

AN ACT

relating to the authority and responsibilities of certain political subdivisions in relation to development.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 81.033(b), Local Government Code, is amended to read as follows:

(b) If approved at an election held in the county for that purpose, the commissioners court has, in addition to the powers given to it under this code or other law, all the powers of the governing body of a Type A general-law municipality, including the powers contained in Subtitle A, Title 7, except that:

(1) the commissioners court may not regulate an activity outside the county;

(2) the commissioners court may not regulate a tract of land that is appraised as agricultural or open-space land by the appraisal district;

(3) the commissioners court may not exercise the powers of a municipality under Chapter 211 [~~or 213~~]; and

(4) if this code or other law provides for a procedure by which a county exercises a power, the commissioners court must use that procedure.

SECTION 2. Section 212.012, Local Government Code, is amended by amending Subsections (a), (c), (d), (e), (f), (h), and (i) and adding Subsections (j) and (k) to read as follows:

1 (a) Except as provided by Subsection (c), (d), or (j)
2 [~~Subsection (c)~~], an entity described by Subsection (b) may not
3 serve or connect any land with water, sewer, electricity, gas, or
4 other utility service unless the entity has been presented with or
5 otherwise holds a certificate applicable to the land issued under
6 Section 212.0115.

7 (c) An entity described by Subsection (b) may serve or
8 connect land with water, sewer, electricity, gas, or other utility
9 service regardless of whether the entity is presented with or
10 otherwise holds a certificate applicable to the land issued under
11 Section 212.0115 if:

12 (1) the land is covered by a development plat approved
13 under Subchapter B or under an ordinance or rule relating to the
14 development plat;

15 (2) the land was first served or connected with
16 service by an entity described by Subsection (b)(1), (b)(2), or
17 (b)(3) before September 1, 1987; or

18 (3) the land was first served or connected with
19 service by an entity described by Subsection (b)(4), (b)(5), or
20 (b)(6) before September 1, 1989[~~, or~~

21 [~~(4) the municipal authority responsible for~~
22 ~~approving plats issues a certificate stating that:~~

23 [~~(A) the land:~~

24 [~~(i) was sold or conveyed to the person~~
25 ~~requesting service by any means of conveyance, including a contract~~
26 ~~for deed or executory contract, before:~~

27 [~~(a) September 1, 1995, in a county~~

1 ~~defined under Section 232.022(a)(1), or~~

2 ~~[(b) September 1, 2005, in a county~~
3 ~~defined under Section 232.022(a)(2),~~

4 ~~[(ii) is located in a subdivision in which~~
5 ~~the entity has previously provided service,~~

6 ~~[(iii) is located outside the limits of the~~
7 ~~municipality,~~

8 ~~[(iv) is located in a county to which~~
9 ~~Subchapter B, Chapter 232, applies, and~~

10 ~~[(v) is the site of construction of a~~
11 ~~residence, evidenced by at least the existence of a completed~~
12 ~~foundation, that was begun on or before:~~

13 ~~[(a) May 1, 1997, in a county defined~~
14 ~~under Section 232.022(a)(1), or~~

15 ~~[(b) September 1, 2005, in a county~~
16 ~~defined under Section 232.022(a)(2), or~~

17 ~~[(B) the land was not subdivided after September~~
18 ~~1, 1995, in a county defined under Section 232.022(a)(1), or~~
19 ~~September 1, 2005, in a county defined under Section 232.022(a)(2),~~
20 ~~and:~~

21 ~~[(i) water service is available within 750~~
22 ~~feet of the subdivided land, or~~

23 ~~[(ii) water service is available more than~~
24 ~~750 feet from the subdivided land and the extension of water service~~
25 ~~to the land may be feasible, subject to a final determination by the~~
26 ~~water service provider].~~

27 (d) In a county to which Subchapter B, Chapter 232, applies,

1 an entity described by Subsection (b) may serve or connect land with
2 water, sewer, electricity, gas, or other utility service that is
3 located in the extraterritorial jurisdiction of a municipality
4 regardless of whether the entity is presented with or otherwise
5 holds a certificate applicable to the land issued under Section
6 212.0115, if the municipal authority responsible for approving
7 plats issues a certificate stating that:

8 (1) the subdivided land:

9 (A) was sold or conveyed by a subdivider or
10 developer by any means of conveyance, including a contract for deed
11 or executory contract, before:

12 (i) September 1, 1995, in a county defined
13 under Section 232.022(a)(1);

14 (ii) September 1, 1999, in a county defined
15 under Section 232.022(a)(1) if, on August 31, 1999, the subdivided
16 land was located in the extraterritorial jurisdiction of a
17 municipality as determined by Chapter 42; or

18 (iii) September 1, 2005, in a county
19 defined under Section 232.022(a)(2);

20 (B) has not been subdivided after September 1,
21 1995, September 1, 1999, or September 1, 2005, as applicable under
22 Paragraph (A);

23 (C) is the site of construction of a residence,
24 evidenced by at least the existence of a completed foundation, that
25 was begun on or before:

26 (i) May 1, 2003, in a county defined under
27 Section 232.022(a)(1); or

1 (ii) September 1, 2005, in a county defined
2 under Section 232.022(a)(2); and

3 (D) has had adequate sewer services installed to
4 service the lot or dwelling;

5 (2) the subdivided land is a lot of record as defined
6 by Section 232.021(6-a) that is located in a county defined by
7 Section 232.022(a)(1) and has adequate sewer services installed
8 that are fully operable to service the lot or dwelling; or

9 (3) the land was not subdivided after September 1,
10 1995, in a county defined under Section 232.022(a)(1), or September
11 1, 2005, in a county defined under Section 232.022(a)(2), and:

12 (A) water service is available within 750 feet of
13 the subdivided land; or

14 (B) water service is available more than 750 feet
15 from the subdivided land and the extension of water service to the
16 land may be feasible, subject to a final determination by the water
17 service provider.

18 (e) An entity described by Subsection (b) may provide
19 utility service to land described by Subsection (d)(1), (2), or (3)
20 ~~[Subsection (c)(4)(A)]~~ only if the person requesting service:

21 (1) is not the land's subdivider or developer or the
22 subdivider's or developer's agent; and

23 (2) provides to the entity a certificate described by
24 Subsection (d) ~~[(c)(4)(A)]~~.

25 (f) ~~[(e)]~~ A person requesting service may obtain a
26 certificate under Subsection (d)(1), (2), or (3) ~~[Subsection~~
27 ~~(c)(4)(A)]~~ only if the person is the owner or purchaser of the

1 subdivided land and provides to the municipal authority responsible
2 for approving plats documentation containing ~~[either]:~~

3 (1) a copy of the means of conveyance or other
4 documents that show that the land was sold or conveyed by a
5 subdivider or developer ~~[to the person requesting service]~~ before
6 September 1, 1995, before September 1, 1999, or before September 1,
7 2005, as applicable under Subsection (d) ~~[, and a notarized~~
8 ~~affidavit by that person that states that construction of a~~
9 ~~residence on the land, evidenced by at least the existence of a~~
10 ~~completed foundation, was begun on or before May 1, 1997, or on or~~
11 ~~before September 1, 2005, as applicable];~~ ~~[or]~~

12 (2) for a certificate issued under Subsection (d)(1),
13 a notarized affidavit by the person requesting service that states
14 that ~~[the property was sold or conveyed to that person before~~
15 ~~September 1, 1995, or before September 1, 2005, as applicable, and~~
16 ~~that]~~ construction of a residence on the land, evidenced by at least
17 the existence of a completed foundation, was begun on or before May
18 1, 2003, in a county defined by Section 232.022(a)(1) or September
19 1, 2005, in a county defined by Section 232.022(a)(2), and the
20 request for utility connection or service is to connect or serve a
21 residence described by Subsection (d)(1)(C);

22 (3) a notarized affidavit by the person requesting
23 service that states that the subdivided land has not been further
24 subdivided after September 1, 1995, September 1, 1999, or September
25 1, 2005, as applicable under Subsection (d); and

26 (4) evidence that adequate sewer service or facilities
27 have been installed and are fully operable to service the lot or

1 dwelling from an entity described by Subsection (b) or the
2 authorized agent responsible for the licensing or permitting of
3 on-site sewage facilities under Chapter 366, Health and Safety
4 Code. [~~May 1, 1997, or on or before September 1, 2005, as~~
5 applicable.

6 [~~(f) A person requesting service may obtain a certificate~~
7 ~~under Subsection (c)(4)(B) only if the person provides to the~~
8 ~~municipal authority responsible for approving plats an affidavit~~
9 ~~that states that the property was not sold or conveyed to that~~
10 ~~person from a subdivider or the subdivider's agent after September~~
11 ~~1, 1995, or after September 1, 2005, as applicable.]~~

12 (h) This section may not be construed to abrogate any civil
13 or criminal proceeding or prosecution or to waive any penalty
14 against a subdivider or developer for a violation of a state or
15 local law, regardless of the date on which the violation occurred.

16 (i) In this section:

17 (1) "Developer" has the meaning assigned by Section
18 232.021.

19 (2) "Foundation" means the lowest division of a
20 residence, usually consisting of a masonry slab or a pier and beam
21 structure, that is partly or wholly below the surface of the ground
22 and on which the residential structure rests.

23 (3) [~~(2)~~] "Subdivider" has the meaning assigned by
24 Section 232.021.

25 (j) Except as provided by Subsection (k), this section does
26 not prohibit a water or sewer utility from providing in a county
27 defined by Section 232.022(a)(1) water or sewer utility connection

1 or service to a residential dwelling that:

2 (1) is provided water or wastewater facilities under
3 or in conjunction with a federal or state funding program designed
4 to address inadequate water or wastewater facilities in colonias or
5 to residential lots located in a county described by Section
6 232.022(a)(1);

7 (2) is an existing dwelling identified as an eligible
8 recipient for funding by the funding agency providing adequate
9 water and wastewater facilities or improvements;

10 (3) when connected, will comply with the minimum state
11 standards for both water and sewer facilities and as prescribed by
12 the model subdivision rules adopted under Section 16.343, Water
13 Code; and

14 (4) is located in a project for which the political
15 subdivisions with jurisdiction over the project or the approval of
16 plats within the project area have approved the improvement project
17 by order, resolution, or interlocal agreement under Chapter 791,
18 Government Code.

19 (k) A utility may not serve any subdivided land with water
20 utility connection or service under Subsection (j) unless the
21 entity receives a determination that adequate sewer services have
22 been installed to service the lot or dwelling from the municipal
23 authority responsible for approving plats, an entity described by
24 Subsection (b), or the authorized agent responsible for the
25 licensing or permitting of on-site sewage facilities pursuant to
26 Chapter 366, Health and Safety Code.

27 SECTION 3. Chapter 231, Local Government Code, is amended

1 by adding Subchapter L to read as follows:

2 SUBCHAPTER L. ZONING AROUND FALCON LAKE

3 Sec. 231.251. LEGISLATIVE FINDINGS; PURPOSE. (a) The
4 legislature finds that:

5 (1) the area that surrounds Falcon Lake in Zapata
6 County is frequented for recreational purposes by residents from
7 every part of the state;

8 (2) orderly development and use of the area is of
9 concern to the entire state; and

10 (3) buildings in the area that are frequented for
11 resort or recreational purposes tend to become congested and to be
12 used in ways that interfere with the proper use of the area as a
13 place of recreation to the detriment of the public health, safety,
14 morals, and general welfare.

15 (b) The powers granted under this subchapter are for the
16 purpose of promoting the public health, safety, peace, morals, and
17 general welfare and encouraging the recreational use of county
18 land.

19 Sec. 231.252. AREAS SUBJECT TO REGULATION. This
20 subchapter applies only to the unincorporated area of Zapata County
21 located within 25,000 feet of:

22 (1) the project boundary line for Falcon Lake; and

23 (2) the Rio Grande.

24 Sec. 231.253. FALCON LAKE PLANNING COMMISSION. (a) A lake
25 planning commission is established for the area subject to this
26 subchapter. The commission is composed of:

27 (1) four residents of Zapata County, with one resident

1 from each of the county commissioners precincts, appointed by that
2 precinct's commissioner; and

3 (2) a person, who shall serve as the commission's
4 presiding officer, appointed by the county judge of Zapata County.

5 (b) Except as provided by Subsection (c), the members of the
6 commission shall be appointed for two-year terms that expire
7 February 1 of each odd-numbered year.

8 (c) The terms of the initial members of the commission
9 expire on February 1 of the first February in an odd-numbered year
10 following their appointment.

11 (d) The Commissioners Court of Zapata County may employ
12 staff for the commission to use in performing the commission's
13 functions.

14 Sec. 231.254. COMMISSION STUDY AND REPORT; HEARING. (a) At
15 the request of the Commissioners Court of Zapata County the
16 commission shall, or on the lake planning commission's own
17 initiative the commission may, conduct studies of the area subject
18 to this subchapter and prepare reports to advise the commissioners
19 court about matters affecting that area, including any need for
20 zoning regulations in that area.

21 (b) Before the commission may prepare a report, the
22 commission must hold a public hearing in which members of the public
23 may offer testimony regarding any subject to be included in the
24 commission's report. The commission shall provide notice of the
25 hearing as required by the commissioners court.

26 Sec. 231.255. ZONING REGULATIONS. After receiving a report
27 from the lake planning commission under Section 231.254, the

1 Commissioners Court of Zapata County may adopt zoning regulations
2 for the area subject to this subchapter and in accordance with the
3 report that regulate:

4 (1) the height, number of stories, and size of
5 buildings and other structures;

6 (2) the percentage of a lot that may be occupied;

7 (3) the size of yards, courts, and other open spaces;

8 (4) population density;

9 (5) the location and use of buildings, other
10 structures, and land for business, industrial, residential, or
11 other purposes; and

12 (6) the placement of water and sewage facilities,
13 parks, and other public requirements.

14 SECTION 4. Section 232.021, Local Government Code, is
15 amended by amending Subdivision (2) and adding Subdivisions (2-a),
16 (2-b), and (6-a) to read as follows:

17 (2) "Common promotional plan" means any plan or scheme
18 of operation undertaken by a single subdivider or developer or a
19 group of subdividers or developers acting in concert, either
20 personally or through an agent, to offer for sale or lease lots when
21 the land is:

22 (A) contiguous or part of the same area of land;
23 or

24 (B) known, designated, or advertised as a common
25 unit or by a common name.

26 (2-a) "Develop" means a structural improvement or
27 man-made change to a lot intended for residential use undertaken to

1 improve, enhance, or otherwise make suitable real property for
2 purposes of sale, resale, or lease.

3 (2-b) "Developer" means a person who owns any interest
4 in real property and directly or indirectly develops real property
5 in the ordinary course of business or as part of a common
6 promotional plan.

7 (6-a) "Lot of record" means:

8 (A) a lot, the boundaries of which were
9 established by a plat recorded in the office of the county clerk
10 before September 1, 1989, that has not been subdivided after
11 September 1, 1989; or

12 (B) a lot, the boundaries of which were
13 established by a metes and bounds description in a deed of
14 conveyance, a contract of sale, or other executory contract to
15 convey real property that has been legally executed and recorded in
16 the office of the county clerk before September 1, 1989, that has
17 not been subdivided after September 1, 1989.

18 SECTION 5. Section 232.024(b), Local Government Code, is
19 amended to read as follows:

20 (b) If any part of a plat applies to land intended for
21 residential housing and any part of that land lies in a floodplain,
22 the commissioners court shall not approve the plat unless:

23 (1) the subdivision is developed in compliance with
24 the minimum requirements of the National Flood Insurance Program
25 and local regulations or orders adopted under Section 16.315, Water
26 Code; and

27 (2) the plat evidences a restrictive covenant

1 prohibiting [~~as required by this subsection. The restrictive~~
2 ~~covenant shall prohibit~~] the construction of residential housing in
3 any area of the subdivision that is in a floodplain unless the
4 housing is developed in compliance with the minimum requirements of
5 [qualifies for insurance under] the National Flood Insurance
6 Program and local regulations or orders adopted under Section
7 16.315, Water Code [Act of 1968 (42 U.S.C. Sections 4001 through
8 4127)].

9 SECTION 6. Section 232.028(b), Local Government Code, is
10 amended to read as follows:

11 (b) On the commissioners court's own motion or on the
12 written request of a subdivider, an owner or resident of a lot in a
13 subdivision, or an entity that provides a utility service, the
14 commissioners court shall make the following determinations
15 regarding the land in which the entity or commissioners court is
16 interested that is located within the jurisdiction of the county:

17 (1) whether a plat has been prepared and whether it has
18 been reviewed and approved by the commissioners court;

19 (2) whether water service facilities have been
20 constructed or installed to service the lot or subdivision under
21 Section 232.023 and are fully operable;

22 (3) whether sewer service facilities have been
23 constructed or installed to service the lot or subdivision under
24 Section 232.023 and are fully operable, or if septic systems are
25 used, whether the lot is served by a permitted on-site sewage
26 facility or lots in the subdivision can be adequately and legally
27 served by septic systems under Section 232.023; and

1 (4) whether electrical and gas facilities, if
2 available, have been constructed or installed to service the lot or
3 subdivision under Section 232.023.

4 SECTION 7. Section 232.029, Local Government Code, is
5 amended by amending Subsections (b), (c), (d), (e), and (i) and
6 adding Subsections (k) and (l) to read as follows:

7 (b) Except as provided by Subsection (c) or Section
8 232.037(c), a utility may not serve or connect any subdivided land
9 with electricity or gas unless the entity receives a determination
10 from the county commissioners court under Sections 232.028(b)(2)
11 and (3) [~~Section 232.028(b)(2)~~] that adequate water and sewer
12 services have been installed to service the lot or subdivision.

13 (c) An electric, gas, water, or sewer service utility may
14 serve or connect subdivided land with water, sewer, electricity,
15 gas, or other utility service regardless of whether the utility
16 receives a certificate issued by the commissioners court under
17 Section 232.028(a) or receives a determination from the
18 commissioners court under Section 232.028(b) if the utility is
19 provided with a certificate issued by the commissioners court that
20 states that:

21 (1) the subdivided land:

22 (A) was sold or conveyed by a subdivider or
23 developer [~~to the person requesting service~~] by any means of
24 conveyance, including a contract for deed or executory contract:

25 (i) before September 1, 1995; or

26 (ii) before September 1, 1999, if the
27 subdivided land on August 31, 1999, was located in the

1 extraterritorial jurisdiction of a municipality as determined by
2 Chapter 42;

3 (B) has not been subdivided after September 1,
4 1995, or September 1, 1999, as applicable under Paragraph (A); [~~is~~
5 ~~located in a subdivision in which the utility has previously~~
6 ~~provided service, and]~~

7 (C) is the site of construction of a residence,
8 evidenced by at least the existence of a completed foundation, that
9 was begun[+

10 [~~(i) on or before May 1, 1997, or~~
11 [~~(ii)~~] on or before May 1, 2003; and

12 (D) has had adequate sewer services installed to
13 service the lot or dwelling;

14 (2) the subdivided land is a lot of record and has
15 adequate sewer services installed that are fully operable to
16 service the lot or dwelling[~~, if the subdivided land on August 31,~~
17 ~~1999, was located in the extraterritorial jurisdiction of a~~
18 ~~municipality as determined by Chapter 42]; or~~

19 (3) [~~(2)~~] the land was not subdivided after September
20 1, 1995, and:

21 (A) water service is available within 750 feet of
22 the subdivided land; or

23 (B) water service is available more than 750 feet
24 from the subdivided land and the extension of water service to the
25 land may be feasible, subject to a final determination by the water
26 service provider.

27 (d) A utility may provide utility service to subdivided land

1 described by Subsection (c)(1), (2), or (3) only if the person
2 requesting service:

3 (1) is not the land's subdivider or developer or the
4 subdivider's or developer's agent; and

5 (2) provides to the utility a certificate described by
6 Subsection (c) [~~(e)(1)~~].

7 (e) A person requesting service may obtain a certificate
8 under Subsection (c)(1), (2), or (3) only if the person is the owner
9 or purchaser of the subdivided land and provides to the
10 commissioners court documentation containing [~~either~~]:

11 (1) [~~documentation containing:~~

12 [~~(A)~~] a copy of the means of conveyance or other
13 documents that show that the land was sold or conveyed by a
14 subdivider or developer before September 1, 1995, or before
15 September 1, 1999, as applicable under Subsection (c);

16 (2) [~~to the person requesting service:~~

17 [~~(i) before September 1, 1995, or~~

18 [~~(ii) before September 1, 1999, if the~~
19 ~~subdivided land on August 31, 1999, was located in the~~
20 ~~extraterritorial jurisdiction of a municipality as determined by~~
21 ~~Chapter 42, and~~

22 [~~(B)~~] a notarized affidavit by that person
23 requesting service under Subsection (c)(1) that states that
24 construction of a residence on the land, evidenced by at least the
25 existence of a completed foundation, was begun[~~+~~

26 [~~(i) on or before May 1, 1997, or~~

27 [~~(ii)~~] on or before May 1, 2003, and the

1 request for utility connection or service is to connect or serve a
2 residence described by Subsection (c)(1)(C);

3 ~~(3) [if the subdivided land on August 31, 1999, was~~
4 ~~located in the extraterritorial jurisdiction of a municipality as~~
5 ~~determined by Chapter 42, or~~

6 ~~(2)]~~ a notarized affidavit by the person requesting
7 service that states that the subdivided land has not been further
8 subdivided after [+

9 ~~[(A) the property was sold or conveyed to that~~
10 ~~person.~~

11 ~~[(i) before] September 1, 1995,~~ [+ or
12 ~~[(ii) before] September 1, 1999,~~ as
13 applicable under Subsection (c); and

14 (4) evidence that adequate sewer service or facilities
15 have been installed and are fully operable to service the lot or
16 dwelling from an entity described by Section 232.021(14) or the
17 authorized agent responsible for the licensing or permitting of
18 on-site sewage facilities under Chapter 366, Health and Safety Code
19 ~~[if the subdivided land on August 31, 1999, was located in the~~
20 ~~extraterritorial jurisdiction of a municipality as determined by~~
21 ~~Chapter 42, and~~

22 ~~[(B) construction of a residence on the land,~~
23 ~~evidenced by at least the existence of a completed foundation, was~~
24 ~~begun.~~

25 ~~[(i) on or before May 1, 1997, or~~
26 ~~[(ii) on or before May 1, 2003, if the~~
27 ~~subdivided land on August 31, 1999, was located in the~~

1 ~~extraterritorial jurisdiction of a municipality as determined by~~
2 ~~Chapter 42].~~

3 (i) The prohibition established by this section shall not
4 prohibit a water, sewer, [an] electric, or gas utility from
5 providing water, sewer, electric, or gas utility connection or
6 service to a lot [being] sold, conveyed, or purchased through a
7 contract for deed or executory contract or other device by a
8 subdivider or developer prior to July 1, 1995, or September 1, 1999,
9 if on August 31, 1999, the subdivided land was located in the
10 extraterritorial jurisdiction of a municipality that has adequate
11 sewer services installed that are fully operable to service the lot
12 [which is located within a subdivision where the utility has
13 previously established service] and was subdivided by a plat
14 approved prior to September 1, 1989.

15 (k) Except as provided by Subsection (l), this section does
16 not prohibit a water or sewer utility from providing water or sewer
17 utility connection or service to a residential dwelling that:

18 (1) is provided water or wastewater facilities under
19 or in conjunction with a federal or state funding program designed
20 to address inadequate water or wastewater facilities in colonias or
21 to residential lots located in a county described by Section
22 232.022(a)(1);

23 (2) is an existing dwelling identified as an eligible
24 recipient for funding by the funding agency providing adequate
25 water and wastewater facilities or improvements;

26 (3) when connected, will comply with the minimum state
27 standards for both water and sewer facilities and as prescribed by

1 the model subdivision rules adopted under Section 16.343, Water
2 Code; and

3 (4) is located in a project for which the political
4 subdivisions with jurisdiction over the project or the approval of
5 plats within the project area have approved the improvement project
6 by order, resolution, or interlocal agreement under Chapter 791,
7 Government Code, if applicable.

8 (1) A utility may not serve any subdivided land with water
9 utility connection or service under Subsection (k) unless the
10 entity receives a determination from the county commissioners court
11 under Section 232.028(b)(3) that adequate sewer services have been
12 installed to service the lot or dwelling.

13 SECTION 8. Sections 232.031(a) and (b), Local Government
14 Code, are amended to read as follows:

15 (a) Except as provided by Subsection (d), a subdivider or
16 developer may not sell or lease land in a subdivision first platted
17 or replatted after July 1, 1995, unless the subdivision plat is
18 approved by the commissioners court in accordance with Section
19 232.024.

20 (b) Not later than the 30th day after the date a lot is sold,
21 a subdivider or developer shall record with the county clerk all
22 sales contracts, including the attached disclosure statement
23 required by Section 232.033, leases, and any other documents that
24 convey an interest in the subdivided land.

25 SECTION 9. Sections 232.035(a) and (b), Local Government
26 Code, are amended to read as follows:

27 (a) A subdivider or developer or an agent of a subdivider or

1 developer may not cause, suffer, allow, or permit a lot to be sold
2 in a subdivision if the subdivision has not been platted as required
3 by this subchapter.

4 (b) Notwithstanding any other remedy at law or equity, a
5 subdivider or developer or an agent of a subdivider or developer may
6 not cause, suffer, allow, or permit any part of a subdivision over
7 which the subdivider or developer or an agent of the subdivider or
8 developer has control, or a right of ingress and egress, to become a
9 public health nuisance as defined by Section 341.011, Health and
10 Safety Code.

11 SECTION 10. Section 232.036(a), Local Government Code, is
12 amended to read as follows:

13 (a) A subdivider or developer commits an offense if the
14 subdivider or developer knowingly fails to file a plat or replat
15 required by this subchapter. An offense under this subsection is a
16 Class A misdemeanor.

17 SECTION 11. Section 232.038(a), Local Government Code, is
18 amended to read as follows:

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

27 (1) declare the sale of the property void and require

1 the subdivider or developer to return the purchase price of the
2 property; and

3 (2) recover from the subdivider or developer:

4 (A) the market value of any permanent
5 improvements the person placed on the property;

6 (B) actual expenses incurred as a direct result
7 of the failure to provide adequate water and sewer facilities;

8 (C) court costs; and

9 (D) reasonable attorney's fees.

10 SECTION 12. Sections 232.040(a), (b), and (c), Local
11 Government Code, are amended to read as follows:

12 (a) A subdivision plat must accurately reflect the
13 subdivision as it develops. If there is any change, either by the
14 intentional act of the subdivider or developer or by the forces of
15 nature, including changes in the size or dimension of lots or the
16 direction or condition of the roads, a plat must be revised in
17 accordance with Section 232.041.

18 (b) Except as provided by Subsection (c), a lot in a
19 subdivision may not be sold if the lot lacks water and sewer
20 services as required by this subchapter unless the lot is platted or
21 replatted as required by this subchapter. A subdivider or
22 developer or agent of a subdivider or developer may not transfer a
23 lot through an executory contract or other similar conveyance to
24 evade the requirements of this subchapter. The prohibition in this
25 subsection includes the sale of a lot:

26 (1) by a subdivider or developer who regains
27 possession of a lot previously exempt under Subsection (c) through

1 the exercise of a remedy described in Section 5.061, Property Code;
2 or

3 (2) for which it is shown at a proceeding brought in
4 the district court in which the property is located that the sale of
5 a lot otherwise exempt under Subsection (c) was made for the purpose
6 of evading the requirements of this subchapter.

7 (c) Subsection (b) does not apply to [~~if~~] a seller other
8 than a subdivider, developer, or agent of a subdivider or developer
9 [~~resides on the lot~~].

10 SECTION 13. Subchapter B, Chapter 412, Local Government
11 Code, is amended by adding Section 412.017 to read as follows:

12 Sec. 412.017. WATER SUPPLY AND SEWAGE SYSTEM FOR CERTAIN
13 BORDER COUNTIES. (a) This section applies only to a county:

14 (1) that is located adjacent to an international
15 border; and

16 (2) in which a military installation is located.

17 (b) The commissioners court of a county to which this
18 section applies may acquire, construct, or operate a water supply
19 system or sewage system to serve:

20 (1) unincorporated areas of the county; and

21 (2) areas initially included in a municipality on or
22 after September 1, 2007, in which the municipality does not provide
23 water or sewer services.

24 (c) The county may enter a management or lease agreement
25 with another public or private entity for the operation of a county
26 water or sewage system acquired or constructed under this section.

27 (d) The county may apply for and receive grants or other

1 assistance from a state or federal governmental entity to implement
2 this section.

3 (e) The county may own, operate, or maintain a water or
4 sewer utility in the same manner as a municipality under Chapter
5 402.

6 (f) A county may not construct, operate, or maintain a water
7 supply system or sewage system in an area previously served by the
8 county's water supply or sewage system after the area is annexed by
9 a municipality and the municipality begins providing to the area
10 water or sewer services previously provided by the county.

11 SECTION 14. Section 16.344, Water Code, is amended by
12 adding Subsections (d), (e), (f), (g), (h), and (i) to read as
13 follows:

14 (d) Notwithstanding Section 16.343(g) or Section 16.350(a),
15 a political subdivision may temporarily continue to receive funds
16 under Subchapter K, Chapter 17, if the political subdivision
17 submits a request for temporary continuation of funding and the
18 board determines that:

19 (1) the political subdivision's initial funding
20 application and any amendments for a designated area were reviewed
21 and approved by the board before January 1, 2007;

22 (2) withholding funds would result in an undue
23 hardship for occupants of the property to be served by unreasonably
24 delaying the provision of adequate water or wastewater services;

25 (3) withholding funds would result in inefficient use
26 of local, state, or federal funds under the program;

27 (4) the political subdivision has committed to take

1 the necessary and appropriate actions to correct any deficiencies
2 in adoption or enforcement of the model rules within the time
3 designated by the board, but not later than the 90th day after the
4 date the board makes the determinations under this subsection;

5 (5) the political subdivision has sufficient
6 safeguards in place to prevent the proliferation of colonias; and

7 (6) during the 30 days after the date the board
8 receives a request under this subsection, the board, after
9 consulting with the attorney general, secretary of state, and
10 commission, has not received an objection from any of those
11 entities to the request for temporary continuation of funding.

12 (e) In applying Subsection (d) to applications for
13 increased financial assistance, the board shall only consider areas
14 that were included in the initial application, except that the
15 board may reconsider the eligibility of areas that were the subject
16 of a facility plan in the initial application and that may be
17 determined to be eligible based on criteria in effect September 1,
18 2005.

19 (f) The political subdivision shall take necessary and
20 appropriate actions to correct any deficiencies in its adoption and
21 enforcement of the model rules within the time period required by
22 the board, not to exceed the 90-day period described by Subsection
23 (d)(4), and provide evidence of compliance to the board. The board
24 shall discontinue funding unless the board makes a determination
25 based on the evidence provided that the political subdivision has
26 demonstrated sufficient compliance to continue funding.

27 (g) Except as provided by Subsections (d)-(f), if the board

1 determines that a county or city that is required to adopt and
2 enforce the model rules is not enforcing the model rules, the board
3 shall discontinue funding for all projects within the county or
4 city that are funded under Subchapter K, Chapter 17.

5 (h) The board may not accept or grant applications for
6 temporary funding under Subsection (d) after June 1, 2009.

7 (i) Subsections (d), (e), (f), (g), and (h) and this
8 subsection expire September 1, 2009.

9 SECTION 15. Section 232.029(f), Local Government Code, is
10 repealed.

11 SECTION 16. This Act takes effect immediately if it
12 receives a vote of two-thirds of all the members elected to each
13 house, as provided by Section 39, Article III, Texas Constitution.
14 If this Act does not receive the vote necessary for immediate
15 effect, this Act takes effect September 1, 2007.

ADOPTED

MAY 22 2007

Atty. Gen. Spaw
Secretary of the Senate

By: *Zaffini*

H.B. No. 3068

Substitute the following for H.B. No. 3068:

By: *Lucio*

C.S.H.B. No. 3068

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority and responsibilities of certain political
3 subdivisions in relation to development.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 81.033(b), Local Government Code, is
6 amended to read as follows:

7 (b) If approved at an election held in the county for that
8 purpose, the commissioners court has, in addition to the powers
9 given to it under this code or other law, all the powers of the
10 governing body of a Type A general-law municipality, including the
11 powers contained in Subtitle A, Title 7, except that:

12 (1) the commissioners court may not regulate an
13 activity outside the county;

14 (2) the commissioners court may not regulate a tract
15 of land that is appraised as agricultural or open-space land by the
16 appraisal district;

17 (3) the commissioners court may not exercise the
18 powers of a municipality under Chapter 211 [~~ex-213~~]; and

19 (4) if this code or other law provides for a procedure
20 by which a county exercises a power, the commissioners court must
21 use that procedure.

22 SECTION 2. Section 212.012, Local Government Code, is
23 amended by amending Subsections (a), (c), (d), (e), (f), (h), and
24 (i) and adding Subsections (j) and (k) to read as follows:

1 (a) Except as provided by Subsection (c), (d), or (j)
2 ~~[Subsection (c)]~~, an entity described by Subsection (b) may not
3 serve or connect any land with water, sewer, electricity, gas, or
4 other utility service unless the entity has been presented with or
5 otherwise holds a certificate applicable to the land issued under
6 Section 212.0115.

7 (c) An entity described by Subsection (b) may serve or
8 connect land with water, sewer, electricity, gas, or other utility
9 service regardless of whether the entity is presented with or
10 otherwise holds a certificate applicable to the land issued under
11 Section 212.0115 if:

12 (1) the land is covered by a development plat approved
13 under Subchapter B or under an ordinance or rule relating to the
14 development plat;

15 (2) the land was first served or connected with
16 service by an entity described by Subsection (b)(1), (b)(2), or
17 (b)(3) before September 1, 1987; or

18 (3) the land was first served or connected with
19 service by an entity described by Subsection (b)(4), (b)(5), or
20 (b)(6) before September 1, 1989~~[, or~~

21 ~~[(4) the municipal authority responsible for~~
22 ~~approving plats issues a certificate stating that:~~

23 ~~[(A) the land:~~

24 ~~[(i) was sold or conveyed to the person~~
25 ~~requesting service by any means of conveyance, including a contract~~
26 ~~for deed or executory contract, before:~~

27 ~~[(a) September 1, 1995, in a county~~

1 ~~defined under Section 232.022(a)(1), or~~

2 ~~[(b) September 1, 2005, in a county~~
3 ~~defined under Section 232.022(a)(2),~~

4 ~~[(ii) is located in a subdivision in which~~
5 ~~the entity has previously provided service,~~

6 ~~[(iii) is located outside the limits of the~~
7 ~~municipality,~~

8 ~~[(iv) is located in a county to which~~
9 ~~Subchapter B, Chapter 232, applies, and~~

10 ~~[(v) is the site of construction of a~~
11 ~~residence, evidenced by at least the existence of a completed~~
12 ~~foundation, that was begun on or before.~~

13 ~~[(a) May 1, 1997, in a county defined~~
14 ~~under Section 232.022(a)(1), or~~

15 ~~[(b) September 1, 2005, in a county~~
16 ~~defined under Section 232.022(a)(2), or~~

17 ~~[(B) the land was not subdivided after September~~
18 ~~1, 1995, in a county defined under Section 232.022(a)(1), or~~
19 ~~September 1, 2005, in a county defined under Section 232.022(a)(2),~~
20 ~~and.~~

21 ~~[(i) water service is available within 750~~
22 ~~feet of the subdivided land, or~~

23 ~~[(ii) water service is available more than~~
24 ~~750 feet from the subdivided land and the extension of water service~~
25 ~~to the land may be feasible, subject to a final determination by the~~
26 ~~water service provider].~~

27 (d) In a county to which Subchapter B, Chapter 232, applies,

1 an entity described by Subsection (b) may serve or connect land with
2 water, sewer, electricity, gas, or other utility service that is
3 located in the extraterritorial jurisdiction of a municipality
4 regardless of whether the entity is presented with or otherwise
5 holds a certificate applicable to the land issued under Section
6 212.0115, if the municipal authority responsible for approving
7 plats issues a certificate stating that:

8 (1) the subdivided land:

9 (A) was sold or conveyed by a subdivider or
10 developer by any means of conveyance, including a contract for deed
11 or executory contract, before:

12 (i) September 1, 1995, in a county defined
13 under Section 232.022(a)(1);

14 (ii) September 1, 1999, in a county defined
15 under Section 232.022(a)(1) if, on August 31, 1999, the subdivided
16 land was located in the extraterritorial jurisdiction of a
17 municipality as determined by Chapter 42; or

18 (iii) September 1, 2005, in a county
19 defined under Section 232.022(a)(2);

20 (B) has not been subdivided after September 1,
21 1995, September 1, 1999, or September 1, 2005, as applicable under
22 Paragraph (A);

23 (C) is the site of construction of a residence,
24 evidenced by at least the existence of a completed foundation, that
25 was begun on or before:

26 (i) May 1, 2003, in a county defined under
27 Section 232.022(a)(1); or

1 (ii) September 1, 2005, in a county defined
2 under Section 232.022(a)(2); and

3 (D) has had adequate sewer services installed to
4 service the lot or dwelling;

5 (2) the subdivided land is a lot of record as defined
6 by Section 232.021(6-a) that is located in a county defined by
7 Section 232.022(a)(1) and has adequate sewer services installed
8 that are fully operable to service the lot or dwelling; or

9 (3) the land was not subdivided after September 1,
10 1995, in a county defined under Section 232.022(a)(1), or September
11 1, 2005, in a county defined under Section 232.022(a)(2), and:

12 (A) water service is available within 750 feet of
13 the subdivided land; or

14 (B) water service is available more than 750 feet
15 from the subdivided land and the extension of water service to the
16 land may be feasible, subject to a final determination by the water
17 service provider.

18 (e) An entity described by Subsection (b) may provide
19 utility service to land described by Subsection (d)(1), (2), or (3)
20 ~~[Subsection (c)(4)(A)]~~ only if the person requesting service:

21 (1) is not the land's subdivider or developer or the
22 subdivider's or developer's agent; and

23 (2) provides to the entity a certificate described by
24 Subsection (d) ~~[(c)(4)(A)]~~.

25 (f) ~~[(e)]~~ A person requesting service may obtain a
26 certificate under Subsection (d)(1), (2), or (3) ~~[Subsection~~
27 ~~(c)(4)(A)]~~ only if the person is the owner or purchaser of the

1 subdivided land and provides to the municipal authority responsible
2 for approving plats documentation containing [either]:

3 (1) a copy of the means of conveyance or other
4 documents that show that the land was sold or conveyed by a
5 subdivider or developer [to the person requesting service] before
6 September 1, 1995, before September 1, 1999, or before September 1,
7 2005, as applicable under Subsection (d) [, and a notarized
8 affidavit by that person that states that construction of a
9 residence on the land, evidenced by at least the existence of a
10 completed foundation, was begun on or before May 1, 1997, or on or
11 before September 1, 2005, as applicable]; [or]

12 (2) for a certificate issued under Subsection (d)(1),
13 a notarized affidavit by the person requesting service that states
14 that ~~[the property was sold or conveyed to that person before~~
15 ~~September 1, 1995, or before September 1, 2005, as applicable, and~~
16 ~~that]~~ construction of a residence on the land, evidenced by at least
17 the existence of a completed foundation, was begun on or before May
18 1, 2003, in a county defined by Section 232.022(a)(1) or September
19 1, 2005, in a county defined by Section 232.022(a)(2), and the
20 request for utility connection or service is to connect or serve a
21 residence described by Subsection (d)(1)(C);

22 (3) a notarized affidavit by the person requesting
23 service that states that the subdivided land has not been further
24 subdivided after September 1, 1995, September 1, 1999, or September
25 1, 2005, as applicable under Subsection (d); and

26 (4) evidence that adequate sewer service or facilities
27 have been installed and are fully operable to service the lot or

1 dwelling from an entity described by Subsection (b) or the
2 authorized agent responsible for the licensing or permitting of
3 on-site sewage facilities under Chapter 366, Health and Safety
4 Code. [May 1, 1997, or on or before September 1, 2005, as
5 applicable.

6 ~~[(f) A person requesting service may obtain a certificate~~
7 ~~under Subsection (c)(4)(B) only if the person provides to the~~
8 ~~municipal authority responsible for approving plats an affidavit~~
9 ~~that states that the property was not sold or conveyed to that~~
10 ~~person from a subdivider or the subdivider's agent after September~~
11 ~~1, 1995, or after September 1, 2005, as applicable.]~~

12 (h) This section may not be construed to abrogate any civil
13 or criminal proceeding or prosecution or to waive any penalty
14 against a subdivider or developer for a violation of a state or
15 local law, regardless of the date on which the violation occurred.

16 (i) In this section:

17 (1) "Developer" has the meaning assigned by Section
18 232.021.

19 (2) "Foundation" means the lowest division of a
20 residence, usually consisting of a masonry slab or a pier and beam
21 structure, that is partly or wholly below the surface of the ground
22 and on which the residential structure rests.

23 (3) ~~[(2)]~~ "Subdivider" has the meaning assigned by
24 Section 232.021.

25 (j) Except as provided by Subsection (k), this section does
26 not prohibit a water or sewer utility from providing in a county
27 defined by Section 232.022(a)(1) water or sewer utility connection

1 or service to a residential dwelling that:

2 (1) is provided water or wastewater facilities under
3 or in conjunction with a federal or state funding program designed
4 to address inadequate water or wastewater facilities in colonias or
5 to residential lots located in a county described by Section
6 232.022(a)(1);

7 (2) is an existing dwelling identified as an eligible
8 recipient for funding by the funding agency providing adequate
9 water and wastewater facilities or improvements;

10 (3) when connected, will comply with the minimum state
11 standards for both water and sewer facilities and as prescribed by
12 the model subdivision rules adopted under Section 16.343, Water
13 Code; and

14 (4) is located in a project for which the political
15 subdivisions with jurisdiction over the project or the approval of
16 plats within the project area have approved the improvement project
17 by order, resolution, or interlocal agreement under Chapter 791,
18 Government Code.

19 (k) A utility may not serve any subdivided land with water
20 utility connection or service under Subsection (j) unless the
21 entity receives a determination that adequate sewer services have
22 been installed to service the lot or dwelling from the municipal
23 authority responsible for approving plats, an entity described by
24 Subsection (b), or the authorized agent responsible for the
25 licensing or permitting of on-site sewage facilities pursuant to
26 Chapter 366, Health and Safety Code.

27 SECTION 3. Chapter 231, Local Government Code, is amended

1 by adding Subchapter L to read as follows:

2 SUBCHAPTER L. ZONING AROUND FALCON LAKE

3 Sec. 231.251. LEGISLATIVE FINDINGS; PURPOSE. (a) The
4 legislature finds that:

5 (1) the area that surrounds Falcon Lake in Zapata
6 County is frequented for recreational purposes by residents from
7 every part of the state;

8 (2) orderly development and use of the area is of
9 concern to the entire state; and

10 (3) buildings in the area that are frequented for
11 resort or recreational purposes tend to become congested and to be
12 used in ways that interfere with the proper use of the area as a
13 place of recreation to the detriment of the public health, safety,
14 morals, and general welfare.

15 (b) The powers granted under this subchapter are for the
16 purpose of promoting the public health, safety, peace, morals, and
17 general welfare and encouraging the recreational use of county
18 land.

19 Sec. 231.252. AREAS SUBJECT TO REGULATION. This
20 subchapter applies only to the unincorporated area of Zapata County
21 located within 25,000 feet of:

22 (1) the project boundary line for Falcon Lake; and

23 (2) the Rio Grande.

24 Sec. 231.253. FALCON LAKE PLANNING COMMISSION. (a) A lake
25 planning commission is established for the area subject to this
26 subchapter. The commission is composed of:

27 (1) four residents of Zapata County, with one resident

1 from each of the county commissioners precincts, appointed by that
2 precinct's commissioner; and

3 (2) a person, who shall serve as the commission's
4 presiding officer, appointed by the county judge of Zapata County.

5 (b) Except as provided by Subsection (c), the members of the
6 commission shall be appointed for two-year terms that expire
7 February 1 of each odd-numbered year.

8 (c) The terms of the initial members of the commission
9 expire on February 1 of the first February in an odd-numbered year
10 following their appointment.

11 (d) The Commissioners Court of Zapata County may employ
12 staff for the commission to use in performing the commission's
13 functions.

14 Sec. 231.254. COMMISSION STUDY AND REPORT; HEARING. (a) At
15 the request of the Commissioners Court of Zapata County the
16 commission shall, or on the lake planning commission's own
17 initiative the commission may, conduct studies of the area subject
18 to this subchapter and prepare reports to advise the commissioners
19 court about matters affecting that area, including any need for
20 zoning regulations in that area.

21 (b) Before the commission may prepare a report, the
22 commission must hold a public hearing in which members of the public
23 may offer testimony regarding any subject to be included in the
24 commission's report. The commission shall provide notice of the
25 hearing as required by the commissioners court.

26 Sec. 231.255. ZONING REGULATIONS. After receiving a report
27 from the lake planning commission under Section 231.254, the

1 Commissioners Court of Zapata County may adopt zoning regulations
2 for the area subject to this subchapter and in accordance with the
3 report that regulate:

4 (1) the height, number of stories, and size of
5 buildings and other structures;

6 (2) the percentage of a lot that may be occupied;

7 (3) the size of yards, courts, and other open spaces;

8 (4) population density;

9 (5) the location and use of buildings, other
10 structures, and land for business, industrial, residential, or
11 other purposes; and

12 (6) the placement of water and sewage facilities,
13 parks, and other public requirements.

14 SECTION 4. Section 232.021, Local Government Code, is
15 amended by amending Subdivision (2) and adding Subdivisions (2-a),
16 (2-b), and (6-a) to read as follows:

17 (2) "Common promotional plan" means any plan or scheme
18 of operation undertaken by a single subdivider or developer or a
19 group of subdividers or developers acting in concert, either
20 personally or through an agent, to offer for sale or lease lots when
21 the land is:

22 (A) contiguous or part of the same area of land;

23 or

24 (B) known, designated, or advertised as a common
25 unit or by a common name.

26 (2-a) "Develop" means a structural improvement or
27 man-made change to a lot intended for residential use undertaken to

1 improve, enhance, or otherwise make suitable real property for
2 purposes of sale, resale, or lease.

3 (2-b) "Developer" means a person who owns any interest
4 in real property and directly or indirectly develops real property
5 in the ordinary course of business or as part of a common
6 promotional plan.

7 (6-a) "Lot of record" means:

8 (A) a lot, the boundaries of which were
9 established by a plat recorded in the office of the county clerk
10 before September 1, 1989, that has not been subdivided after
11 September 1, 1989; or

12 (B) a lot, the boundaries of which were
13 established by a metes and bounds description in a deed of
14 conveyance, a contract of sale, or other executory contract to
15 convey real property that has been legally executed and recorded in
16 the office of the county clerk before September 1, 1989, that has
17 not been subdivided after September 1, 1989.

18 SECTION 5. Section 232.024(b), Local Government Code, is
19 amended to read as follows:

20 (b) If any part of a plat applies to land intended for
21 residential housing and any part of that land lies in a floodplain,
22 the commissioners court shall not approve the plat unless:

23 (1) the subdivision is developed in compliance with
24 the minimum requirements of the National Flood Insurance Program
25 and local regulations or orders adopted under Section 16.315, Water
26 Code; and

27 (2) the plat evidences a restrictive covenant

1 prohibiting [~~as required by this subsection. The restrictive~~
2 ~~covenant shall prohibit~~] the construction of residential housing in
3 any area of the subdivision that is in a floodplain unless the
4 housing is developed in compliance with the minimum requirements of
5 ~~[qualifies for insurance under]~~ the National Flood Insurance
6 Program and local regulations or orders adopted under Section
7 16.315, Water Code [~~Act of 1968 (42 U.S.C. Sections 4001 through~~
8 ~~4127)]].~~

9 SECTION 6. Section 232.028(b), Local Government Code, is
10 amended to read as follows:

11 (b) On the commissioners court's own motion or on the
12 written request of a subdivider, an owner or resident of a lot in a
13 subdivision, or an entity that provides a utility service, the
14 commissioners court shall make the following determinations
15 regarding the land in which the entity or commissioners court is
16 interested that is located within the jurisdiction of the county:

17 (1) whether a plat has been prepared and whether it has
18 been reviewed and approved by the commissioners court;

19 (2) whether water service facilities have been
20 constructed or installed to service the lot or subdivision under
21 Section 232.023 and are fully operable;

22 (3) whether sewer service facilities have been
23 constructed or installed to service the lot or subdivision under
24 Section 232.023 and are fully operable, or if septic systems are
25 used, whether the lot is served by a permitted on-site sewage
26 facility or lots in the subdivision can be adequately and legally
27 served by septic systems under Section 232.023; and

1 (4) whether electrical and gas facilities, if
2 available, have been constructed or installed to service the lot or
3 subdivision under Section 232.023.

4 SECTION 7. Section 232.029, Local Government Code, is
5 amended by amending Subsections (b), (c), (d), (e), and (i) and
6 adding Subsections (k) and (l) to read as follows:

7 (b) Except as provided by Subsection (c) or Section
8 232.037(c), a utility may not serve or connect any subdivided land
9 with electricity or gas unless the entity receives a determination
10 from the county commissioners court under Sections 232.028(b)(2)
11 and (3) [~~Section 232.028(b)(2)~~] that adequate water and sewer
12 services have been installed to service the lot or subdivision.

13 (c) An electric, gas, water, or sewer service utility may
14 serve or connect subdivided land with water, sewer, electricity,
15 gas, or other utility service regardless of whether the utility
16 receives a certificate issued by the commissioners court under
17 Section 232.028(a) or receives a determination from the
18 commissioners court under Section 232.028(b) if the utility is
19 provided with a certificate issued by the commissioners court that
20 states that:

21 (1) the subdivided land:

22 (A) was sold or conveyed by a subdivider or
23 developer [~~to the person requesting service~~] by any means of
24 conveyance, including a contract for deed or executory contract:

25 (i) before September 1, 1995; or

26 (ii) before September 1, 1999, if the
27 subdivided land on August 31, 1999, was located in the

1 extraterritorial jurisdiction of a municipality as determined by
2 Chapter 42;

3 (B) has not been subdivided after September 1,
4 1995, or September 1, 1999, as applicable under Paragraph (A); [~~is~~
5 ~~located in a subdivision in which the utility has previously~~
6 ~~provided service; and]~~

7 (C) is the site of construction of a residence,
8 evidenced by at least the existence of a completed foundation, that
9 was begun[+

10 [~~(i) on or before May 1, 1997; or~~
11 [~~(ii)~~] on or before May 1, 2003; and

12 (D) has had adequate sewer services installed to
13 service the lot or dwelling;

14 (2) the subdivided land is a lot of record and has
15 adequate sewer services installed that are fully operable to
16 service the lot or dwelling[~~, if the subdivided land on August 31,~~
17 ~~1999, was located in the extraterritorial jurisdiction of a~~
18 ~~municipality as determined by Chapter 42]; or~~

19 (3) [(2)] the land was not subdivided after September
20 1, 1995, and:

21 (A) water service is available within 750 feet of
22 the subdivided land; or

23 (B) water service is available more than 750 feet
24 from the subdivided land and the extension of water service to the
25 land may be feasible, subject to a final determination by the water
26 service provider.

27 (d) A utility may provide utility service to subdivided land

1 described by Subsection (c)(1), (2), or (3) only if the person
2 requesting service:

3 (1) is not the land's subdivider or developer or the
4 subdivider's or developer's agent; and

5 (2) provides to the utility a certificate described by
6 Subsection (c) [~~(c)(1)~~].

7 (e) A person requesting service may obtain a certificate
8 under Subsection (c)(1), (2), or (3) only if the person is the owner
9 or purchaser of the subdivided land and provides to the
10 commissioners court documentation containing [~~either~~]:

11 (1) [~~documentation containing~~]
12 [~~(A)~~] a copy of the means of conveyance or other
13 documents that show that the land was sold or conveyed by a
14 subdivider or developer before September 1, 1995, or before
15 September 1, 1999, as applicable under Subsection (c);

16 (2) [~~to the person requesting service~~]
17 [~~(i) before September 1, 1995, or~~
18 [~~(ii) before September 1, 1999, if the~~
19 ~~subdivided land on August 31, 1999, was located in the~~
20 ~~extraterritorial jurisdiction of a municipality as determined by~~
21 ~~Chapter 42, and~~

22 [~~(B)~~] a notarized affidavit by that person
23 requesting service under Subsection (c)(1) that states that
24 construction of a residence on the land, evidenced by at least the
25 existence of a completed foundation, was begun[+]

26 [~~(i) on or before May 1, 1997, or~~
27 [~~(ii)~~] on or before May 1, 2003, and the

1 request for utility connection or service is to connect or serve a
2 residence described by Subsection (c)(1)(C);

3 (3) [~~, if the subdivided land on August 31, 1999, was~~
4 ~~located in the extraterritorial jurisdiction of a municipality as~~
5 ~~determined by Chapter 42, or~~

6 [~~(2)~~] a notarized affidavit by the person requesting
7 service that states that the subdivided land has not been further
8 subdivided after[+]

9 [~~(A) the property was sold or conveyed to that~~
10 ~~person~~+

11 [~~(i) before~~] September 1, 1995, [+] or
12 [~~(ii) before~~] September 1, 1999, as
13 applicable under Subsection (c); and

14 (4) evidence that adequate sewer service or facilities
15 have been installed and are fully operable to service the lot or
16 dwelling from an entity described by Section 232.021(14) or the
17 authorized agent responsible for the licensing or permitting of
18 on-site sewage facilities under Chapter 366, Health and Safety Code
19 ~~[if the subdivided land on August 31, 1999, was located in the~~
20 ~~extraterritorial jurisdiction of a municipality as determined by~~
21 ~~Chapter 42, and~~

22 [~~(B) construction of a residence on the land,~~
23 ~~evidenced by at least the existence of a completed foundation, was~~
24 ~~begun~~+

25 [~~(i) on or before May 1, 1997, or~~
26 [~~(ii) on or before May 1, 2003, if the~~
27 ~~subdivided land on August 31, 1999, was located in the~~

1 ~~extraterritorial jurisdiction of a municipality as determined by~~
2 ~~Chapter 42].~~

3 (i) The prohibition established by this section shall not
4 prohibit a water, sewer, [an] electric, or gas utility from
5 providing water, sewer, electric, or gas utility connection or
6 service to a lot ~~[being]~~ sold, conveyed, or purchased through a
7 contract for deed or executory contract or other device by a
8 subdivider or developer prior to July 1, 1995, or September 1, 1999,
9 if on August 31, 1999, the subdivided land was located in the
10 extraterritorial jurisdiction of a municipality that has adequate
11 sewer services installed that are fully operable to service the lot
12 ~~[which is located within a subdivision where the utility has~~
13 ~~previously established service]~~ and was subdivided by a plat
14 approved prior to September 1, 1989.

15 (k) Except as provided by Subsection (l), this section does
16 not prohibit a water or sewer utility from providing water or sewer
17 utility connection or service to a residential dwelling that:

18 (1) is provided water or wastewater facilities under
19 or in conjunction with a federal or state funding program designed
20 to address inadequate water or wastewater facilities in colonias or
21 to residential lots located in a county described by Section
22 232.022(a)(1);

23 (2) is an existing dwelling identified as an eligible
24 recipient for funding by the funding agency providing adequate
25 water and wastewater facilities or improvements;

26 (3) when connected, will comply with the minimum state
27 standards for both water and sewer facilities and as prescribed by

1 the model subdivision rules adopted under Section 16.343, Water
2 Code; and

3 (4) is located in a project for which the political
4 subdivisions with jurisdiction over the project or the approval of
5 plats within the project area have approved the improvement project
6 by order, resolution, or interlocal agreement under Chapter 791,
7 Government Code, if applicable.

8 (1) A utility may not serve any subdivided land with water
9 utility connection or service under Subsection (k) unless the
10 entity receives a determination from the county commissioners court
11 under Section 232.028(b)(3) that adequate sewer services have been
12 installed to service the lot or dwelling.

13 SECTION 8. Sections 232.031(a) and (b), Local Government
14 Code, are amended to read as follows:

15 (a) Except as provided by Subsection (d), a subdivider or
16 developer may not sell or lease land in a subdivision first platted
17 or replatted after July 1, 1995, unless the subdivision plat is
18 approved by the commissioners court in accordance with Section
19 232.024.

20 (b) Not later than the 30th day after the date a lot is sold,
21 a subdivider or developer shall record with the county clerk all
22 sales contracts, including the attached disclosure statement
23 required by Section 232.033, leases, and any other documents that
24 convey an interest in the subdivided land.

25 SECTION 9. Sections 232.035(a) and (b), Local Government
26 Code, are amended to read as follows:

27 (a) A subdivider or developer or an agent of a subdivider or

1 developer may not cause, suffer, allow, or permit a lot to be sold
2 in a subdivision if the subdivision has not been platted as required
3 by this subchapter.

4 (b) Notwithstanding any other remedy at law or equity, a
5 subdivider or developer or an agent of a subdivider or developer may
6 not cause, suffer, allow, or permit any part of a subdivision over
7 which the subdivider or developer or an agent of the subdivider or
8 developer has control, or a right of ingress and egress, to become a
9 public health nuisance as defined by Section 341.011, Health and
10 Safety Code.

11 SECTION 10. Section 232.036(a), Local Government Code, is
12 amended to read as follows:

13 (a) A subdivider or developer commits an offense if the
14 subdivider or developer knowingly fails to file a plat or replat
15 required by this subchapter. An offense under this subsection is a
16 Class A misdemeanor.

17 SECTION 11. Section 232.038(a), Local Government Code, is
18 amended to read as follows:

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

27 (1) declare the sale of the property void and require

1 the subdivider or developer to return the purchase price of the
2 property; and

3 (2) recover from the subdivider or developer:

4 (A) the market value of any permanent
5 improvements the person placed on the property;

6 (B) actual expenses incurred as a direct result
7 of the failure to provide adequate water and sewer facilities;

8 (C) court costs; and

9 (D) reasonable attorney's fees.

10 SECTION 12. Sections 232.040(a), (b), and (c), Local
11 Government Code, are amended to read as follows:

12 (a) A subdivision plat must accurately reflect the
13 subdivision as it develops. If there is any change, either by the
14 intentional act of the subdivider or developer or by the forces of
15 nature, including changes in the size or dimension of lots or the
16 direction or condition of the roads, a plat must be revised in
17 accordance with Section 232.041.

18 (b) Except as provided by Subsection (c), a lot in a
19 subdivision may not be sold if the lot lacks water and sewer
20 services as required by this subchapter unless the lot is platted or
21 replatted as required by this subchapter. A subdivider or
22 developer or agent of a subdivider or developer may not transfer a
23 lot through an executory contract or other similar conveyance to
24 evade the requirements of this subchapter. The prohibition in this
25 subsection includes the sale of a lot:

26 (1) by a subdivider or developer who regains
27 possession of a lot previously exempt under Subsection (c) through

1 the exercise of a remedy described in Section 5.061, Property Code;
2 or

3 (2) for which it is shown at a proceeding brought in
4 the district court in which the property is located that the sale of
5 a lot otherwise exempt under Subsection (c) was made for the purpose
6 of evading the requirements of this subchapter.

7 (c) Subsection (b) does not apply to [~~if~~] a seller other
8 than a subdivider, developer, or agent of a subdivider or developer
9 [~~resides on the lot~~].

10 SECTION 13. Chapter 242, Local Government Code, is amended
11 by adding Subchapter B to read as follows:

12 SUBCHAPTER B. DEVELOPMENT REGULATIONS IN CERTAIN COUNTIES AND
13 MUNICIPALITIES

14 Sec. 242.051. APPLICABILITY. This subchapter applies only
15 to:

16 (1) a county that includes territory located within 50
17 miles of an international border; or

18 (2) a municipality located in that county if:

19 (A) the county does not exercise in the
20 municipality's extraterritorial jurisdiction the authority
21 described by this subchapter; and

22 (B) the county by resolution authorizes the
23 municipality to exercise in the municipality's extraterritorial
24 jurisdiction the authority described by this subchapter.

25 Sec. 242.052. REGULATORY AUTHORITY. (a) The
26 commissioners court of a county to which this subchapter applies
27 may, by order, regulate residential land development in the

1 unincorporated area of the county. The governing body of a
2 municipality to which this subchapter applies may, by ordinance,
3 regulate residential land development in the municipality's
4 extraterritorial jurisdiction. By this authority, the
5 commissioners court or governing body may prevent the proliferation
6 of colonias by:

7 (1) adopting regulations relating to:

8 (A) maximum densities, including the size of
9 lots;

10 (B) the height, number of stories, size, or
11 number of buildings or other structures that may be located on a lot
12 or tract;

13 (C) the location of buildings and other
14 structures on a lot or tract;

15 (D) the preparation of a plan for:

16 (i) utility development;

17 (ii) environmental effect and adaptation;

18 (iii) utility extension; and

19 (iv) capacity planning; and

20 (E) financial analysis provided for a plan
21 prepared under Paragraph (D); and

22 (2) adopting building codes to promote safe and
23 uniform building, plumbing, and electrical standards.

24 (b) If a tract of land is appraised as agricultural or
25 open-space land by the appraisal district, the commissioners court
26 or governing body may not regulate land development on that tract
27 under the authority granted by Subsection (a)(1)(B), (a)(1)(C), or

1 (a)(2).

2 (c) The authority granted under this section does not
3 authorize the commissioners court or governing body to adopt an
4 order regulating commercial property that is uninhabitable.

5 (d) The authority granted under this section does not
6 authorize the commissioners court or governing body to adopt an
7 order that limits or otherwise impairs the rights of individuals or
8 entities in the exploration, development, or production of oil,
9 gas, or other minerals.

10 Sec. 242.053. BUILDING PERMITS. (a) The county or
11 municipality, as appropriate, shall issue a building permit if the
12 person submitting the application for the permit:

13 (1) files information relating to the location of the
14 residence;

15 (2) files the building plans for the residence; and

16 (3) complies with the applicable regulations relating
17 to the issuance of the permit.

18 (b) The county or municipality may charge a reasonable
19 building permit fee.

20 (c) The county or municipality shall deposit fees collected
21 under this section in an account in its general fund and dedicate
22 the fees to the building permit program. The funds in the account
23 may be used only for the purpose of administering the building
24 permit program.

25 Sec. 242.054. MUNICIPAL ORDINANCE PREVAILS OVER COUNTY
26 ORDER. If an order adopted by the county under this subchapter
27 conflicts with an ordinance of a municipality, the municipal

1 ordinance prevails within the municipality's jurisdiction to the
2 extent of the conflict.

3 Sec. 242.055. EXISTING AUTHORITY UNAFFECTED. The authority
4 granted by this subchapter does not affect the authority of the
5 commissioners court or governing body to adopt an order or
6 ordinance under other law.

7 Sec. 242.056. INJUNCTION. The county or municipality, in a
8 suit brought by the appropriate attorney representing the county or
9 municipality in the district court, is entitled to appropriate
10 injunctive relief to prevent the violation or threatened violation
11 of the entity's order or ordinance adopted under this subchapter
12 from continuing or occurring.

13 Sec. 242.057. PENALTY; EXCEPTION. (a) A person commits an
14 offense if the person violates a restriction or prohibition imposed
15 by an order or ordinance adopted under this subchapter. An offense
16 under this section is a Class C misdemeanor.

17 (b) It is an exception to the application of this section
18 that:

19 (1) the person is an owner-occupant of a residential
20 dwelling that is classified by the Texas Department of Housing and
21 Community Affairs as a low-income household;

22 (2) the dwelling was constructed before the effective
23 date of this subchapter;

24 (3) the violation related to a building standard or
25 building code for that dwelling; and

26 (4) the county or municipality, as appropriate:

27 (A) did not make available to the person a grant

1 or loan in an amount sufficient to cure the violation; or

2 (B) made available to the person a loan that was
3 sufficient to cure the violation but that caused the housing
4 expenses of the person to exceed 30 percent of the person's net
5 income.

6 SECTION 14. The heading to Chapter 242, Local Government
7 Code, is amended to read as follows:

8 CHAPTER 242. AUTHORITY OF MUNICIPALITY AND COUNTY TO REGULATE
9 SUBDIVISIONS AND PROPERTY DEVELOPMENT [~~IN AND OUTSIDE~~
10 ~~MUNICIPALITY'S EXTRATERRITORIAL JURISDICTION~~]

11 SECTION 15. Chapter 242, Local Government Code, is amended
12 by designating Sections 242.001, 242.0015, and 242.002 as
13 Subchapter A and adding a heading for Subchapter A to read as
14 follows:

15 SUBCHAPTER A. AUTHORITY TO REGULATE SUBDIVISIONS IN AND OUTSIDE
16 MUNICIPALITY'S EXTRATERRITORIAL JURISDICTION

17 SECTION 16. Subchapter B, Chapter 412, Local Government
18 Code, is amended by adding Section 412.017 to read as follows:

19 Sec. 412.017. WATER SUPPLY AND SEWAGE SYSTEM FOR CERTAIN
20 BORDER COUNTIES. (a) This section applies only to a county:

21 (1) that is located adjacent to an international
22 border; and

23 (2) in which a military installation is located.

24 (b) The commissioners court of a county to which this
25 section applies may acquire, construct, or operate a water supply
26 system or sewage system to serve:

27 (1) unincorporated areas of the county; and

1 (2) areas initially included in a municipality on or
2 after September 1, 2007, in which the municipality does not provide
3 water or sewer services.

4 (c) The county may enter a management or lease agreement
5 with another public or private entity for the operation of a county
6 water or sewage system acquired or constructed under this section.

7 (d) The county may apply for and receive grants or other
8 assistance from a state or federal governmental entity to implement
9 this section.

10 (e) The county may own, operate, or maintain a water or
11 sewer utility in the same manner as a municipality under Chapter
12 402.

13 (f) A county may not construct, operate, or maintain a water
14 supply system or sewage system in an area previously served by the
15 county's water supply or sewage system after the area is annexed by
16 a municipality and the municipality begins providing to the area
17 water or sewer services previously provided by the county.

18 SECTION 17. Section 16.344, Water Code, is amended by
19 adding Subsections (d), (e), (f), (g), (h), and (i) to read as
20 follows:

21 (d) Notwithstanding Section 16.343(g) or Section 16.350(a),
22 a political subdivision may temporarily continue to receive funds
23 under Subchapter K, Chapter 17, if the political subdivision
24 submits a request for temporary continuation of funding and the
25 board determines that:

26 (1) the political subdivision's initial funding
27 application and any amendments for a designated area were reviewed

1 and approved by the board before January 1, 2007;

2 (2) withholding funds would result in an undue
3 hardship for occupants of the property to be served by unreasonably
4 delaying the provision of adequate water or wastewater services;

5 (3) withholding funds would result in inefficient use
6 of local, state, or federal funds under the program;

7 (4) the political subdivision has committed to take
8 the necessary and appropriate actions to correct any deficiencies
9 in adoption or enforcement of the model rules within the time
10 designated by the board, but not later than the 90th day after the
11 date the board makes the determinations under this subsection;

12 (5) the political subdivision has sufficient
13 safeguards in place to prevent the proliferation of colonias; and

14 (6) during the 30 days after the date the board
15 receives a request under this subsection, the board, after
16 consulting with the attorney general, secretary of state, and
17 commission, has not received an objection from any of those
18 entities to the request for temporary continuation of funding.

19 (e) In applying Subsection (d) to applications for
20 increased financial assistance, the board shall only consider areas
21 that were included in the initial application, except that the
22 board may reconsider the eligibility of areas that were the subject
23 of a facility plan in the initial application and that may be
24 determined to be eligible based on criteria in effect September 1,
25 2005.

26 (f) The political subdivision shall take necessary and
27 appropriate actions to correct any deficiencies in its adoption and

1 enforcement of the model rules within the time period required by
2 the board, not to exceed the 90-day period described by Subsection
3 (d)(4), and provide evidence of compliance to the board. The board
4 shall discontinue funding unless the board makes a determination
5 based on the evidence provided that the political subdivision has
6 demonstrated sufficient compliance to continue funding.

7 (g) Except as provided by Subsections (d)-(f), if the board
8 determines that a county or city that is required to adopt and
9 enforce the model rules is not enforcing the model rules, the board
10 shall discontinue funding for all projects within the county or
11 city that are funded under Subchapter K, Chapter 17.

12 (h) The board may not accept or grant applications for
13 temporary funding under Subsection (d) after June 1, 2009.

14 (i) Subsections (d), (e), (f), (g), and (h) and this
15 subsection expire September 1, 2009.

16 SECTION 18. Section 232.029(f), Local Government Code, is
17 repealed.

18 SECTION 19. This Act takes effect immediately if it
19 receives a vote of two-thirds of all the members elected to each
20 house, as provided by Section 39, Article III, Texas Constitution.
21 If this Act does not receive the vote necessary for immediate
22 effect, this Act takes effect September 1, 2007.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 14, 2007

TO: Honorable Eddie Lucio, Jr., Chair, Senate Committee on International Relations & Trade

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB3068** by Guillen (Relating to the authority and responsibilities of certain political subdivisions in relation to development.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend various chapters of the Local Government Code regarding regulations of subdivisions and utility connections by municipalities and counties located in a county that is near an international border. The bill would also amend Chapter 16 of the Water Code to permit the Texas Water Development Board (TWDB) to grant a request for temporary continuation of funding for a political subdivision that receives funds under Subchapter K, Chapter 17, Water Code (concerning the Economically Distressed Areas Program) if certain conditions are met. This provision expires on September 1, 2009.

The bill would authorize a county that includes territory located within 50 miles of an international border or certain municipalities within the county to regulate residential land development (for counties, in the unincorporated areas of the county and for municipalities, in the extraterritorial jurisdiction). Regulation authority would not apply if a tract of land is appraised as agricultural or open-space and would not apply to regulating commercial property that is uninhabitable. The county or municipality would be required to issue building permits for the applicable areas and would be authorized to charge a reasonable building permit fee. Fees collected would be deposited into the local government entity's general fund and could be used only for administering the building permit program. The act of violating land development restrictions imposed by a county or municipality in the applicable areas would be a Class C misdemeanor.

The TWDB anticipates that approximately three to five Economically Distressed Areas Program (EDAP) projects may be affected by the proposed changes to Chapter 16 of the Water Code. The agency expects that approximately 0.25 FTEs (Attorney IV) would be needed to carry out the work anticipated by the provision during the effective two year period for a total cost of approximately \$50,000 for the biennium. It is anticipated that this cost can be absorbed with existing agency resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 580 Water Development Board

LBB Staff: JOB, CL, ZS, JF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 13, 2007

TO: Honorable Eddie Lucio, Jr., Chair, Senate Committee on International Relations & Trade

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3068 by Guillen (Relating to the authority and responsibilities of certain political subdivisions in relation to development.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend various chapters of the Local Government Code regarding regulations of subdivisions and utility connections by municipalities and counties located in a county that is near an international border. The bill would also amend Chapter 16 of the Water Code to permit the Texas Water Development Board (TWDB) to grant a request for temporary continuation of funding for a political subdivision that receives funds under Subchapter K, Chapter 17, Water Code (concerning the Economically Distressed Areas Program) if certain conditions are met. This provision expires on September 1, 2009.

The TWDB anticipates that approximately three to five Economically Distressed Areas Program (EDAP) projects may be affected by this provision. The agency expects that approximately 0.25 FTEs (Attorney IV) would be needed to carry out the work anticipated by the provision during the effective two year period for a total cost of approximately \$50,000 for the biennium. It is anticipated that this cost can be absorbed with existing agency resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 580 Water Development Board

LBB Staff: JOB, CL, ZS, JF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 17, 2007

TO: Honorable Tracy King, Chair, House Committee on Border & International Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3068 by Guillen (Relating to the authority of certain municipalities and counties to regulate subdivision near an international border.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend Chapters 212 and 232 of the Local Government Code regarding regulations of subdivisions and utility connections by municipalities and counties located in a county that is near an international border.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, CL, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 28, 2007

TO: Honorable Tracy King, Chair, House Committee on Border & International Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3068 by Guillen (Relating to the authority of certain municipalities and counties to regulate subdivisions near an international border.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend Chapters 212 and 232 of the Local Government Code regarding regulations of subdivisions and utility connections by municipalities and counties located in a county that is near an international border.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, CL, DB