

House Bill 2096
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 232.029, Local Government Code, is amended by amending Subsection (b) and adding Subsections (k) and (l) to read as follows:

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

(k) The commissioners court may allow a utility that does not hold a certificate issued by, or has not received a determination from, the commissioners court under this subchapter to serve or connect subdivided land with electricity or gas if the land was subdivided and three or more of the lots in the subdivided land, including the lot proposed for service or a connection, were served or connected by the utility before January 1, 2001.

SENATE VERSION

SECTION 1. Section 232.029, Local Government Code, is amended by amending Subsection (b) and adding Subsections (k), (l), and (m) to read as follows:

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

(k) Subject to Subsections (l) and (m), a utility that does not hold a certificate issued by, or has not received a determination from, the commissioners court under Section 232.028 to serve or connect subdivided property with electricity or gas may provide that service to a single-family residential dwelling on that property if:

- (1) the person requesting utility service:
 - (A) is the owner and occupant of the residential dwelling; and
 - (B) on or before January 1, 2001, owned and occupied the residential dwelling;
- (2) the utility previously provided the utility service on or before January 1, 2001, to the property for the person requesting the service;
- (3) the utility service provided as described by Subdivision (2) was terminated not earlier than one year before the date on which the person requesting utility service submits an application for that service; and
- (4) providing the utility service will not result in:
 - (A) an increase in the volume of utility service provided

CONFERENCE

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(l) Notwithstanding Subsection (k), a utility may not serve or connect subdivided land as described by that subsection if, on or after September 1, 2007, any portion of that land is improved or if any existing improvements on that land are modified.

SECTION 2. This Act takes effect September 1, 2007.

to the property; or

(B) more than one utility connection for each single-family residential dwelling located on the property.

(l) A utility may provide service under Subsection (k) only if the person requesting the service provides to the commissioners court documentation that evidences compliance with the requirements of Subsection (k) and that is satisfactory to the commissioners court.

(m) A utility may not serve or connect subdivided property as described by Subsection (k) if, on or after September 1, 2007, any existing improvements on that property are modified.

Same as House version.