

## **BILL ANALYSIS**

S.B. 1816  
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Land & Resource Management  
Committee Report (Amended)

### **BACKGROUND AND PURPOSE**

Prior legislation created a colonia task force that was charged with reviewing statutory provisions to determine whether the provisions are consistent and clearly achieve the following goals: promoting uniform subdivision standards in border counties; researching and identifying conflicts and deficiencies in current law; developing uniform standards for subdivisions in the unincorporated areas of counties near the international border and in economically distressed areas; and developing recommendations. The purpose of S.B. 1816 is to implement some of those recommendations

### **RULEMAKING AUTHORITY**

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

### **ANALYSIS**

S.B. 1816 amends the Government Code to require the statewide classification system established and maintained by the secretary of state for identifying colonias to include a method for a municipality or county, on a form prescribed by the secretary of state, to nominate an area for identification as a colonia and to authorize the system to provide for the review of a nominated area by the Texas Water Development Board, the office of the attorney general, or any other appropriate state agency as determined by the secretary of state.

S.B. 1816 amends the Local Government Code to make provisions of law relating to subdivision platting requirements in a county near an international border applicable to a county in which the commissioners court by order has adopted the model rules under adopted provisions of law setting out minimum state standards and model political subdivision rules for a safe and sanitary water supply and sewer services in residential areas of political subdivisions and elects to operate under provisions relating to subdivision platting requirements in a county near an international border. The bill makes those provisions of law relating to subdivision platting requirements inapplicable if all of the lots of the subdivision are more than 10 acres, rather than if each of the lots is 10 or more acres.

S.B. 1816 requires a subdivider of land in a county near an international border to have a plat of the subdivision prepared if at least one of the lots of the subdivision is five acres or less, and authorizes a commissioners court by order to require a subdivider of land to prepare a plat if none of the lots is five acres or less but at least one of the lots of a subdivision is more than five acres but not more than 10 acres. The bill, in provisions of law relating to platting requirements in certain economically distressed counties, requires the owner of a tract of land that divides the tract in any manner that creates at least one lot of five acres or less, rather than lots of five acres or less, intended for residential purposes, to have a plat of the subdivision prepared, and authorizes a commissioners court by order to require each subdivider of land to prepare a plat if none of the lots is five acres or less but at least one of the lots of the subdivision is more than five acres but not more than 10 acres. The bill prohibits a utility from serving or connecting any

residential structure with permanent water, sewer, electricity, gas, or other utility service unless the utility receives a certificate issued by the commissioners court certifying that the residential structure complies with all county regulations applicable to the structure.

S.B. 1816 amends the Water Code to authorize the model rules assuring that minimum standards for safe and sanitary water supply and sewer services in residential areas of political subdivisions are met to impose requirements for platting, replatting, or any other method authorized by law, in order to augment regulatory compliance by political subdivisions. The bill authorizes a political subdivision that has adopted the model rules to impose the platting requirements set out in provisions of the Local Government Code relating to regulation of residential subdivisions, as applicable to a division of real property that is required to be platted or replatted by the provisions of the model rules.

S.B. 1816 revises the conditions required to be met before an application for funds for water and sewer projects may be considered by the board by requiring a municipality to adopt and enforce the model rules in accordance with applicable minimum state standards, if the applicant is located in a municipality; requiring the applicant to demonstrate that the model rules have been adopted and are enforced in the extraterritorial jurisdiction by the municipality or county, if the applicant is located in the extraterritorial jurisdiction of a municipality; or requiring the county to adopt and enforce the model rules, if the applicant is located outside the extraterritorial jurisdiction of a municipality. The bill removes provisions of law relating to the conditions under which an application for funds from certain entities may be considered by the board and under which an applicant for funds is prohibited from receiving funds.

S.B. 1816 makes conforming and nonsubstantive changes.

#### **EFFECTIVE DATE**

September 1, 2011.

#### **EXPLANATION OF AMENDMENTS**

##### **Committee Amendment No. 1**

Committee Amendment No. 1 removes provisions of the bill amending the Local Government Code to prohibit a utility from serving or connecting any residential structure with permanent water, sewer, electricity, gas, or other utility service unless the utility receives a certificate issued by the commissioners court certifying that the residential structure complies with all county regulations applicable to the structure.

Committee Amendment No. 1 removes provisions of the bill amending the Water Code to authorize the model rules assuring that minimum standards for safe and sanitary water supply and sewer services in residential areas of political subdivisions are met to impose requirements for platting, replatting, or any other method authorized by law, in order to augment regulatory compliance by political subdivisions; authorizing a political subdivision that has adopted the model rules to impose the platting requirements set out in certain provisions of the Local Government Code, as applicable to a division of real property that is required to be platted or replatted by the provisions of the model rules; revising the conditions required to be met before an application for funds for water and sewer projects may be considered by the board; and removing provisions of law relating to the conditions under which an application for funds from certain entities may be considered by the board and under which an applicant for funds is prohibited from receiving funds.

Committee Amendment No. 1 replaces the removed bill provisions with provisions amending Water Code provisions authorizing the model rules, in order to augment regulatory compliance by political subdivisions, to impose requirements for platting, replatting, or any other method

authorized by law; authorizing a municipality that has adopted the model rules under the bill's provisions to impose certain platting requirements, notwithstanding any other law to the contrary and except as may be required by an agreement under provisions of the Local Government Code relating to a municipality and county's authority to regulate subdivisions in and outside the municipality's extraterritorial jurisdiction; and authorizing a county that has adopted the model rules to impose applicable platting requirements to a division of real property that is required to be platted or replatted by the provisions of the model rules.