

SUBJECT: Allowing utility service connections to certain colonia residents

COMMITTEE: Land and Resource Management — committee substitute recommended

VOTE: 7 ayes — Bosse, B. Turner, Crabb, Howard, Jackson, Mowery, Staples
0 nays
2 absent — Hamric, Krusee

SENATE VOTE: On final passage, April 9 — voice vote

WITNESSES: For — Robert J. Goodwin; Blanca E. Juarez, Colonias Unidas; Eloy Garza, Starr County Precinct 3; Charles Clements and Amy Johnson, Waterworks; Daniel Acevedo

Against — Jose A. Escamillia

BACKGROUND : Colonias are residential subdivisions in unincorporated areas of counties located predominantly along the Texas-Mexico border. They are often characterized by substandard housing and the absence of sewers, water, electric, and gas utility services, and paved roads. In a 1996 report, the Texas Water Development Board estimated that there are over 1,400 colonias in Texas with a total population of more than 325,000 residents.

Texas law prohibits municipal or public utilities from establishing connections with or service to unplatted colonias after September 1, 1987, or water supply or sewer corporations, counties, and special districts from establishing similar connections or service after September 1, 1989.

DIGEST: CSSB 1512 would repeal these prohibitions and allow qualified entities and utilities to serve or connect colonias with utilities, regardless of whether the entity or utility had a received a plat certification for the land or a certificate of approval from a commissioners court.

Utility services could be provided as long as the land was covered by a development plat previously approved and the municipal authority issued a certificate stating that the land was sold or conveyed to the person requesting

service before September 1, 1995, the construction of a residence on the land began on or before May 1, 1997, and the land was located outside the limits of the municipality and in a county within 50 miles of the international border and with a per capita income and unemployment rate 25 percent below the state average.

Qualified entities and utilities would be able to provide utility service only if the person requesting the service was not the land's subdivider or agent and provided the necessary certificate. A person requesting service could obtain a certificate by proving or offering a notarized affidavit that the land was sold to the requestor before September 1, 1995, and construction of the residence began on or before May 1, 1997. The municipal authority would be required to provide an official copy of the affidavit upon request to the attorney general or other law enforcement official.

CSSB 1512 could not be constructed to abrogate any civil or criminal proceeding or waive any penalty against a subdivider for violation of a state or local law.

The bill would take effect September 1, 1997.

**SUPPORTERS
SAY:**

CSSB 1512 would correct an unintended consequence of colonia reform bills enacted during the 74th Legislature. These bills have successfully prevented the future development of unplatted colonias by eliminating the use of contracts for deeds and requiring subdivision plats for land bought in colonias. However, although not meant to penalize current residents, the requirements have created barriers to extending utilities to existing colonias. Water, sewer service, and electricity are basic requirements for living, and the state harms citizens when rules prevent these services from being provided. Houses in colonias may indeed be substandard, but this does not justify withholding services and keeping down the quality of life for residents. Lack of running water and inadequate septic systems cause more health problems — even death — than does substandard housing.

CSSB 1512 would resolve this injustice by allowing municipalities and utilities to provide utility services to current colonia residents. The bill would narrowly define who could receive utility service so as to avoid future problems with unauthorized development.

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OPPONENTS SAY: Although CSSB 1512 is a laudable effort to improve the living conditions of colonia residents, it would undo existing protections in Texas law and could cause more problems than it corrects. Colonia dwellings typically do not meet state or local building requirements, and it could be dangerous to extend utility services to these subdivisions.

NOTES: The committee substitute made non-substantive changes to the Senate-passed version of the bill.