

BILL ANALYSIS

Senate Research Center

S.B. 1122
By: Armbrister
Business & Commerce
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As Filed

DIGEST AND PURPOSE

Currently, state law prohibits political subdivisions from denying water, sewage, or other utility service to a landowner, business, or other entity if it has not obtained a federal take permit pursuant to the federal Endangered Species Act. As proposed, S.B. 1122 provides that utilities can not deny service to a landowner, business, political subdivision, or other entity based on the entity's possession of a permit, as part of the utility's habitat conservation plan or as part of an agreement with the federal government.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Sets forth the changes proposed in this Act.

SECTION 2. Amends Chapter 83, Parks and Wildlife Code, to define utility.

[It is assumed that, although not specifically stated, this SECTION of this bill proposes to amend Section 83.011, Parks and Wildlife Code.]

Sec. 83.012. Provides that the purpose of this subchapter, among other things, is to ensure basic utility services and obligations are not conditioned upon a predetermination by the utility that the utility customer is need of authorization for incidental take pursuant to the federal Endangered Species Act.

Sec. 83.014. Prohibits a utility from denying service to any landowner, business, political subdivision, utility, or other entity under certain circumstances.

[Bill as drafted does not contain a SECTION 3.]

SECTION 4. Effective date: September 1, 2001.