

By: Nichols

S.B. No. 2327

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to compensation for the streamlined expedited release of  
3 certain areas from a certificate of public convenience and  
4 necessity.

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

6 SECTION 1. Sections 13.2541(g), and (i), Water Code, are  
7 amended to read as follows:

8 (g) The monetary amount of compensation, if any, shall be  
9 determined by a qualified individual or firm serving as independent  
10 appraiser agreed upon by the certificate holder and the petitioner.  
11 The determination of compensation by the independent appraiser  
12 shall be conducted in compliance with the Uniform Standards of  
13 Professional Appraisal Practice and is binding on the utility  
14 commission. The costs of the independent appraiser shall be borne  
15 by the petitioner.

16 (i) If the petitioner and the certificate holder cannot  
17 agree on an independent appraiser within 10 calendar days after the  
18 date on which the utility commission approves the petition, the  
19 petitioner and the certificate holder shall each engage its own  
20 appraiser at its own expense, and each appraisal shall be submitted  
21 to the utility commission within 70 calendar days after the date on  
22 which the utility commission approves the petition. After receiving  
23 the appraisals, the utility commission shall appoint a third  
24 appraiser who shall make a determination of the compensation within

1 100 days after the date on which the utility commission approves the  
2 petition. The determination may not be less than the lower  
3 appraisal or more than the higher appraisal. The petitioner and the  
4 certificate holder shall each pay half the cost of the third  
5 appraisal. An appraisal under this subsection must be conducted in  
6 compliance with the Uniform Standards of Professional Appraisal  
7 Practice.

8 SECTION 2. The changes in law made by this Act apply only to  
9 a proceeding affecting a certificate of public convenience and  
10 necessity that commences on or after the effective date of this Act.  
11 A proceeding affecting a certificate of public convenience and  
12 necessity that commenced before the effective date of this Act is  
13 governed by the law in effect on the date the proceeding is  
14 commenced, and that law is continued in effect for that purpose.

15 SECTION 3. This Act takes effect September 1, 2023.