

AN ACT

relating to the authority of certain nonprofit water supply corporations and sewer service corporations to establish and enforce customer water conservation measures.

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

SECTION 1. Section 67.011, Water Code, is amended to read as follows:

Sec. 67.011. POWERS OF CORPORATION IN CERTAIN COUNTIES.

(a) In a county with a population of less than 3.3 million, a corporation may:

(1) own, hold, lease, or otherwise acquire water wells, springs, or other sources of water supply;

(2) build, operate, and maintain pipelines to transport water or wastewater;

(3) build and operate plants and equipment necessary to distribute water or to treat and dispose of wastewater; ~~and~~

(4) sell water or provide wastewater services to a political subdivision, a private corporation, or an individual; and

(5) establish and enforce reasonable customer water conservation practices and prohibit excessive or wasteful uses of potable water.

(b) A corporation may enforce customer water conservation practices under Subsection (a)(5) by assessing reasonable penalties as provided in the corporation's tariff. A penalty may be

1 appealed in the same manner as provided for appeal of new customer
2 service costs under Section 13.043(g). In an appeal, the
3 commission shall approve a corporation's penalty if the commission
4 determines that the penalty is clearly stated in the tariff, that
5 the penalty is reasonable, and that the corporation has deposited
6 the penalty in a separate account dedicated to enhancing water
7 supply for the benefit of all the corporation's customers.

8 SECTION 2. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I certify that H.B. No. 1152 was passed by the House on April 25, 2003, by the following vote: Yeas 146, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1152 was passed by the Senate on May 23, 2003, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor