

By: Puente

H.B. No. 1152

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of certain nonprofit water supply  
3 corporations to establish and enforce customer water conservation  
4 measures.

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

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

8 Sec. 67.011. POWERS OF CORPORATION IN CERTAIN COUNTIES.

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

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

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

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

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

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

22 (b) A corporation may enforce customer water conservation  
23 practices under Subsection (a)(5) by assessing reasonable  
24 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.