

1-1 By: Puentes (Senate Sponsor - Estes) H.B. No. 1152
1-2 (In the Senate - Received from the House April 28, 2003;
1-3 May 1, 2003, read first time and referred to Committee on Natural
1-4 Resources; May 19, 2003, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 19, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the authority of certain nonprofit water supply
1-9 corporations and sewer service corporations to establish and
1-10 enforce customer water conservation measures.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 67.011, Water Code, is amended to read as
1-13 follows:

1-14 Sec. 67.011. POWERS OF CORPORATION IN CERTAIN COUNTIES.

1-15 (a) In a county with a population of less than 3.3 million, a
1-16 corporation may:

1-17 (1) own, hold, lease, or otherwise acquire water
1-18 wells, springs, or other sources of water supply;

1-19 (2) build, operate, and maintain pipelines to
1-20 transport water or wastewater;

1-21 (3) build and operate plants and equipment necessary
1-22 to distribute water or to treat and dispose of wastewater; ~~and~~

1-23 (4) sell water or provide wastewater services to a
1-24 political subdivision, a private corporation, or an individual; and

1-25 (5) establish and enforce reasonable customer water
1-26 conservation practices and prohibit excessive or wasteful uses of
1-27 potable water.

1-28 (b) A corporation may enforce customer water conservation
1-29 practices under Subsection (a)(5) by assessing reasonable
1-30 penalties as provided in the corporation's tariff. A penalty may be
1-31 appealed in the same manner as provided for appeal of new customer
1-32 service costs under Section 13.043(g). In an appeal, the
1-33 commission shall approve a corporation's penalty if the commission
1-34 determines that the penalty is clearly stated in the tariff, that
1-35 the penalty is reasonable, and that the corporation has deposited
1-36 the penalty in a separate account dedicated to enhancing water
1-37 supply for the benefit of all the corporation's customers.

1-38 SECTION 2. This Act takes effect immediately if it receives
1-39 a vote of two-thirds of all the members elected to each house, as
1-40 provided by Section 39, Article III, Texas Constitution. If this
1-41 Act does not receive the vote necessary for immediate effect, this
1-42 Act takes effect September 1, 2003.

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