

By: Geren

H.B. No. 2184

Substitute the following for H.B. No. 2184:

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C.S.H.B. No. 2184

A BILL TO BE ENTITLED

1

AN ACT

2 relating to prohibiting the Texas Commission on Environmental
3 Quality from amending, interpreting, impairing, or modifying a
4 written contract for the wholesale provision of water.

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

6 SECTION 1. Section 11.041, Water Code, is amended by
7 amending Subsection (a) and adding Subsection (h) to read as
8 follows:

9 (a) Any person entitled to receive or use water from any
10 canal, ditch, flume, lateral, dam, reservoir, or lake or from any
11 conserved or stored supply may present to the commission a written
12 petition showing:

13 (1) that he is entitled to receive or use the water;

14 (2) that he is willing and able to pay a just and
15 reasonable price for the water;

16 (3) that the party owning or controlling the water
17 supply has water not contracted to others and available for the
18 petitioner's use; ~~and~~

19 (4) that the party owning or controlling the water
20 supply fails or refuses to supply the available water to the
21 petitioner, or that the price or rental demanded for the available
22 water is not reasonable and just or is discriminatory; and

23 (5) that the petitioner has not entered into a
24 contract with the party owning or controlling the water supply.

1 (h) Notwithstanding any other law, the commission may not
2 amend, interpret, impair, or modify a written contract for the
3 wholesale provision of water for any purpose provided by this
4 chapter or Chapter 12 or 13.

5 SECTION 2. Section 12.013, Water Code, is amended by adding
6 Subsection (i) to read as follows:

7 (i) Notwithstanding any other law, the commission may not
8 amend, interpret, impair, or modify a written contract for the
9 wholesale provision of raw or treated water for any purpose
10 provided by Chapter 11, this chapter, or Chapter 13.

11 SECTION 3. Section 13.041, Water Code, is amended by adding
12 Subsection (h) to read as follows:

13 (h) Notwithstanding any other law, the commission may not
14 amend, interpret, impair, or modify a written contract for the
15 wholesale provision of water for any purpose provided by Chapter 11
16 or 12 or this chapter.

17 SECTION 4. The changes in law made by this Act apply only to
18 a contract executed on or after the effective date of this Act. A
19 contract executed before the effective date of this Act is governed
20 by the law in effect on the date the contract was executed, and the
21 former law is continued in effect for that purpose.

22 SECTION 5. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2003.