

1-1 By: Geren (Senate Sponsor - Madla) H.B. No. 2184
1-2 (In the Senate - Received from the House May 12, 2003;
1-3 May 13, 2003, read first time and referred to Committee on Natural
1-4 Resources; May 26, 2003, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 26, 2003, sent to printer.)

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

1-8 relating to prohibiting the Texas Commission on Environmental
1-9 Quality from amending, interpreting, impairing, or modifying a
1-10 written contract for the wholesale provision of water.

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

1-12 SECTION 1. Section 11.041, Water Code, is amended by
1-13 amending Subsection (a) and adding Subsection (h) to read as
1-14 follows:

1-15 (a) Any person entitled to receive or use water from any
1-16 canal, ditch, flume, lateral, dam, reservoir, or lake or from any
1-17 conserved or stored supply may present to the commission a written
1-18 petition showing:

1-19 (1) that he is entitled to receive or use the water;

1-20 (2) that he is willing and able to pay a just and
1-21 reasonable price for the water;

1-22 (3) that the party owning or controlling the water
1-23 supply has water not contracted to others and available for the
1-24 petitioner's use; ~~and~~

1-25 (4) that the party owning or controlling the water
1-26 supply fails or refuses to supply the available water to the
1-27 petitioner, or that the price or rental demanded for the available
1-28 water is not reasonable and just or is discriminatory; and

1-29 (5) that the petitioner does not have a current
1-30 contract with the party owning or controlling the water supply.

1-31 (h) Notwithstanding any other law, the commission may not
1-32 amend, interpret, impair, or modify a written contract for the
1-33 wholesale provision of water for any purpose provided by this
1-34 chapter or Chapter 12 or 13.

1-35 SECTION 2. Section 12.013, Water Code, is amended by adding
1-36 Subsection (i) to read as follows:

1-37 (i) Notwithstanding any other law, the commission may not
1-38 amend, interpret, impair, or modify a written contract for the
1-39 wholesale provision of raw or treated water for any purpose
1-40 provided by Chapter 11, this chapter, or Chapter 13.

1-41 SECTION 3. Section 13.041, Water Code, is amended by adding
1-42 Subsection (h) to read as follows:

1-43 (h) Notwithstanding any other law, the commission may not
1-44 amend, interpret, impair, or modify a written contract for the
1-45 wholesale provision of water for any purpose provided by Chapter 11
1-46 or 12 or this chapter.

1-47 SECTION 4. The changes in law made by this Act apply only to
1-48 a contract executed on or after the effective date of this Act. A
1-49 contract executed before the effective date of this Act is governed
1-50 by the law in effect on the date the contract was executed, and the
1-51 former law is continued in effect for that purpose.

1-52 SECTION 5. This Act takes effect immediately if it receives
1-53 a vote of two-thirds of all the members elected to each house, as
1-54 provided by Section 39, Article III, Texas Constitution. If this
1-55 Act does not receive the vote necessary for immediate effect, this
1-56 Act takes effect September 1, 2003.

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