

AN ACT

relating to the rates of certain retail public utilities.

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

SECTION 1. (a) Section 10.08(a), Chapter 966, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

(a) The changes in law made by this article to Chapter 13, Water Code, apply to a proceeding in which the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality has not issued a final order before the effective date of this article; provided, however, that this article does not apply to a ~~[retail]~~ public utility that provided utility service in only 24 counties on January 1, 2003. The provisions of Chapter 13, Water Code, that were in effect before September 1, 2001, apply to those public utilities [for which a final order in any rate proceeding has been issued by the Texas Natural Resource Conservation Commission prior to January 1, 2001, as long as that retail public utility is the same as, controlled by, or an affiliate of the retail public utility for which a final order was issued prior to January 1, 2001. This subsection shall not be construed to permit a public utility to increase rates without obtaining the approval of the Texas Natural Resource Conservation Commission].

(b) The change in law made by this Act is a clarification of existing law and does not imply that existing law may be construed

1 as being inconsistent with the law as amended by this Act.

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

President of the Senate

Speaker of the House

I certify that H.B. No. 3034 was passed by the House on May 2, 2003, by the following vote: Yeas 141, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3034 on May 30, 2003, by the following vote: Yeas 142, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3034 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor