

1-1 By: Madla S.B. No. 1656  
1-2 (In the Senate - Filed March 14, 2003; March 20, 2003, read  
1-3 first time and referred to Committee on Natural Resources;  
1-4 April 22, 2003, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 8, Nays 2; April 22, 2003,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1656 By: Lucio

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to prohibiting the Texas Commission on Environmental  
1-11 Quality from amending, interpreting, impairing, or modifying a  
1-12 written contract for the provision of water.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 11.041, Water Code, is amended by  
1-15 amending Subsection (a) and adding Subsection (h) to read as  
1-16 follows:

1-17 (a) Any person entitled to receive or use water from any  
1-18 canal, ditch, flume, lateral, dam, reservoir, or lake or from any  
1-19 conserved or stored supply may present to the commission a written  
1-20 petition showing:

1-21 (1) that he is entitled to receive or use the water;

1-22 (2) that he is willing and able to pay a just and  
1-23 reasonable price for the water;

1-24 (3) that the party owning or controlling the water  
1-25 supply has water not contracted to others and available for the  
1-26 petitioner's use; ~~and~~

1-27 (4) that the party owning or controlling the water  
1-28 supply fails or refuses to supply the available water to the  
1-29 petitioner, or that the price or rental demanded for the available  
1-30 water is not reasonable and just or is discriminatory; and

1-31 (5) that the petitioner has not entered into a  
1-32 contract with the party owning or controlling the water supply.

1-33 (h) Notwithstanding any other law, the commission may not  
1-34 amend, interpret, impair, or modify a written contract for the  
1-35 provision of water for any purpose provided by this chapter or  
1-36 Chapter 12 or 13.

1-37 SECTION 2. Section 12.013, Water Code, is amended by adding  
1-38 Subsection (i) to read as follows:

1-39 (i) Notwithstanding any other law, the commission may not  
1-40 amend, interpret, impair, or modify a written contract for the  
1-41 provision of raw or treated water for any purpose provided by  
1-42 Chapter 11, this chapter, or Chapter 13.

1-43 SECTION 3. Section 13.041, Water Code, is amended by adding  
1-44 Subsection (h) to read as follows:

1-45 (h) Notwithstanding any other law, the commission may not  
1-46 amend, interpret, impair, or modify a written contract for the  
1-47 provision of water for any purpose provided by Chapter 11 or 12 or  
1-48 this chapter.

1-49 SECTION 4. The changes in law made by this Act apply only to  
1-50 a contract executed on or after the effective date of this Act. A  
1-51 contract executed before the effective date of this Act is governed  
1-52 by the law in effect on the date the contract was executed, and the  
1-53 former law is continued in effect for that purpose.

1-54 SECTION 5. This Act takes effect immediately if it receives  
1-55 a vote of two-thirds of all the members elected to each house, as  
1-56 provided by Section 39, Article III, Texas Constitution. If this  
1-57 Act does not receive the vote necessary for immediate effect, this  
1-58 Act takes effect September 1, 2003.

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