

By: Geren

H.B. No. 387

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 the petitioner [~~he~~] is entitled to receive or
14 use the water;

15 (2) that the petitioner [~~he~~] is willing and able to pay
16 a just and reasonable price for the water;

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

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

24 (5) that the petitioner does not have a current

1 contract with the party owning or controlling the water supply.

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

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

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

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

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

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

23 SECTION 5. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2005.