

By: Flores

H.B. No. 1358

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the jurisdiction of the Texas Commission on
3 Environmental Quality over certain water supply or sewer service
4 corporations.

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

6 SECTION 1. Subchapter A, Chapter 13, Water Code, is amended
7 by adding Section 13.004 to read as follows:

8 Sec. 13.004. JURISDICTION OF COMMISSION OVER CERTAIN WATER
9 SUPPLY OR SEWER SERVICE CORPORATIONS. (a) Notwithstanding any
10 other law, the commission has the same jurisdiction over a water
11 supply or sewer service corporation that the commission has under
12 this chapter over a water and sewer utility if the commission finds
13 that the water supply or sewer service corporation is:

14 (1) charging rates that are not fair, just, or
15 reasonable; or

16 (2) providing services that are not adequate or
17 efficient.

18 (b) The commission may exercise jurisdiction under this
19 section only after conducting an investigation and a hearing based
20 on the receipt of a verified complaint from a municipality
21 receiving service from the water supply or sewer service
22 corporation or a customer or other person affected by the rates or
23 services of the corporation.

24 (c) If the water supply or sewer service corporation

1 voluntarily converts to a special utility district operating under
2 Chapter 65, the commission's jurisdiction provided by this section
3 ends.

4 SECTION 2. The change in law made by this Act applies only
5 to a complaint regarding the rates or services of a water supply or
6 sewer service corporation received by the Texas Commission on
7 Environmental Quality on or after the effective date of this Act.

8 SECTION 3. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2005.