

By: Hamilton

H.B. No. 2993

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the generation of hydroelectric power by the Sabine
3 River Authority in the Toledo Bend Reservoir.

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

5 SECTION 1. Section 14, Chapter 110, Acts of the 51st
6 Legislature, Regular Session, 1949 (Article 8280-133, Vernon's
7 Texas Civil Statutes), is amended by amending Subsection (k) and
8 adding Subsection (k-1) to read as follows:

9 (k) Except as provided by Subsection (k-1), the [~~The~~
10 district may provide for the control, storing and employment of
11 said waters in the development and distribution of hydro-electric
12 power, where such use may be economically co-ordinated with other
13 and superior uses, and subordinated to the uses declared by law to
14 be superior.

15 (k-1) The district may not control, store, or employ the
16 waters of the Toledo Bend Reservoir to generate hydro-electric
17 power if the mean sea level of the reservoir is below one hundred
18 sixty-eight feet, unless:

19 (1) the Federal Energy Regulatory Commission or
20 another federal agency orders or requires a reduction in the water
21 level of the reservoir to inspect or repair the dam;

22 (2) the failure to use or sell the use of the waters of
23 the reservoir to generate hydro-electric power will result in a
24 supply of electric power that does not meet the demand of the firm

1 or uninterruptible users of the power; or

2 (3) the failure to use the reservoir waters to
3 generate hydro-electric power will result in the failure to satisfy
4 minimum down-river flow requirements necessary to:

5 (A) meet water sales from the diversion canals of
6 the Sabine River channel and diversion system; and

7 (B) deter saltwater encroachment.

8 SECTION 2. 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.