

By: Puente

H.B. No. 2655

A BILL TO BE ENTITLED

AN ACT

relating to certificates of public convenience and necessity for water service and sewer service.

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

SECTION 1. Sections 13.002(1-a), (5), and (8), Water Code, are amended to read as follows:

(1-a) "Landowner," "owner of a tract of land," and "owners of each tract of land" include multiple owners of a single deeded tract of land as shown on the appraisal roll of the appraisal district established for each county in which the property is located.

(5) "Commission" means the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

(8) "Executive director" means the executive director of the commission ~~[Texas Natural Resource Conservation Commission].~~

SECTION 2. Section 13.2451, Water Code, is amended to read as follows:

Sec. 13.2451. EXTENSION BEYOND EXTRATERRITORIAL JURISDICTION. If ~~[(a) Except as provided by Subsection (b), if]~~ a municipality extends its extraterritorial jurisdiction to include an area certificated to a retail public utility, the retail public utility may continue and extend service in its area of public convenience and necessity under the rights granted by its

1 certificate and this chapter.

2 ~~[(b) The commission may not extend a municipality's~~  
3 ~~certificate of public convenience and necessity beyond its~~  
4 ~~extraterritorial jurisdiction without the written consent of the~~  
5 ~~landowner who owns the property in which the certificate is to be~~  
6 ~~extended. The portion of any certificate of public convenience and~~  
7 ~~necessity that extends beyond the extraterritorial jurisdiction of~~  
8 ~~the municipality without the consent of the landowner is void.]~~

9 SECTION 3. The changes in law made by this Act apply only  
10 to:

11 (1) an application for a certificate of public  
12 convenience and necessity or for an amendment to a certificate of  
13 public convenience and necessity submitted to the Texas Commission  
14 on Environmental Quality on or after the effective date of this Act;

15 (2) a proceeding to amend or revoke a certificate of  
16 public convenience and necessity initiated on or after the  
17 effective date of this Act;

18 (3) a certificate of public convenience and necessity  
19 issued to a municipality, regardless of the date the certificate  
20 was issued;

21 (4) an application by a municipality or by a utility  
22 owned by a municipality for a certificate of public convenience and  
23 necessity or for an amendment to a certificate, regardless of the  
24 date the application was filed; and

25 (5) a proceeding to amend or revoke a certificate of  
26 public convenience and necessity held by a municipality or by a  
27 utility owned by a municipality, regardless of the date the

1 proceeding was initiated.

2 SECTION 4. 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, 2007.