

By: Munoz, Jr.

H.B. No. 1028

A BILL TO BE ENTITLED

AN ACT

1
2 relating to expedited release from a certificate of public
3 convenience and necessity for water and sewer service for certain
4 landowners.

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

6 SECTION 1. Section 13.254, Water Code, is amended by
7 amending Subsection (a-2) and adding Subsections (a-12) and (a-13)
8 to read as follows:

9 (a-2) A landowner is not entitled to make the election
10 described in Subsection (a-1) or (a-5) but is entitled to contest
11 under Subsection (a) the involuntary certification of its property
12 in a hearing held by the commission if the landowner's property is
13 located:

14 (1) within the boundaries of any municipality or the
15 extraterritorial jurisdiction of a municipality with a population
16 of more than 500,000 and the municipality or retail public utility
17 owned by the municipality is the holder of the certificate; or

18 (2) in a platted subdivision actually receiving water
19 or sewer service from a certificate holder other than a rural water
20 supply corporation that owes a debt to the federal government under
21 7 U.S.C. Section 1926.

22 (a-12) Notwithstanding Subsection (a-1), a landowner may
23 petition for expedited release under that subsection and is
24 entitled to that release if:

1 (1) the landowner's property is located in the
2 boundaries of a municipality;

3 (2) the certificate holder serving the landowner's
4 property is a rural water supply corporation that owes a debt to the
5 federal government under 7 U.S.C. Section 1926; and

6 (3) in addition to the requirements of Subsection
7 (a-1), the landowner demonstrates in the landowner's petition that
8 the rural water supply corporation has refused to provide or is not
9 capable of providing service in the same manner that the
10 municipality would be required to provide if the municipality held
11 the certificate for the landowner's property.

12 (a-13) A rural water supply corporation's status as a
13 borrower under a federal loan program does not prohibit the release
14 requested under Subsection (a-12).

15 SECTION 2. This Act takes effect September 1, 2013.