

By: Fraser

S.B. No. 958

A BILL TO BE ENTITLED

AN ACT

relating to the liability of certain special-purpose districts or authorities providing water to a purchaser for the generation of electricity.

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

SECTION 1. Title 5, Civil Practice and Remedies Code, is amended by adding Chapter 113 to read as follows:

CHAPTER 113. WATER SUPPLY CONTRACT CLAIM AGAINST LOCAL DISTRICT OR AUTHORITY

Sec. 113.001. DEFINITIONS. In this chapter:

(1) "Adjudicating a claim" means the bringing of a civil suit and prosecution to final judgment in court and includes the bringing of an authorized arbitration proceeding and prosecution to final resolution in accordance with any mandatory procedures established in the contract that is the subject of the dispute under Section 113.002.

(2) "Local district or authority" means a special-purpose district or authority, including a levee improvement district, drainage district, irrigation district, water improvement district, water control and improvement district, water control and preservation district, fresh water supply district, navigation district, special utility district, and river authority, and any conservation and reclamation district.

Sec. 113.002. WAIVER OF IMMUNITY TO SUIT FOR CLAIM

1 REGARDING WATER SUPPLY CONTRACT. A local district or authority  
2 that enters into a written contract stating the essential terms  
3 under which the local district or authority is to provide water to a  
4 purchaser for use in connection with the generation of electricity  
5 waives sovereign immunity to suit for the purpose of adjudicating a  
6 claim that the local district or authority breached the contract by  
7 not providing water, or access to water, according to the  
8 contract's terms.

9 Sec. 113.003. REMEDIES. Notwithstanding any limitation  
10 established under any other provision of law, remedies awarded in a  
11 proceeding adjudicating a claim under this chapter may include any  
12 remedy available at law or in equity for breach of contract.

13 Sec. 113.004. NO NEW OR ADDITIONAL WATER RIGHTS. This  
14 chapter does not grant any user of water any new or additional  
15 rights to water or any new or additional priority to water rights.  
16 This chapter provides only a means to enforce rights conferred by  
17 the terms of the contract that is the subject of a dispute under  
18 Section 113.002.

19 SECTION 2. The change in law made by this Act applies only  
20 to a cause of action that accrues on or after the effective date of  
21 this Act. A cause of action that accrues before the effective date  
22 of this Act is governed by the law in effect immediately before that  
23 date, and that law is continued in effect for that purpose.

24 SECTION 3. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2013.