By:  Zaffirini S.B. No. 893

(In the Senate - Filed February 14, 2023; March 1, 2023, read first time and referred to Committee on Water, Agriculture & Rural Affairs; April 18, 2023, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 0; April 18, 2023, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Perry           X

Hancock         X

Blanco          X

Flores          X

Gutierrez       X

Johnson         X

Kolkhorst       X

Sparks          X

Springer        X

COMMITTEE SUBSTITUTE FOR S.B. No. 893 By:  Hancock

A BILL TO BE ENTITLED

AN ACT

relating to the correction of a certificate of public convenience and necessity for providing water or sewer utility service.

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

SECTION 1.  Section 13.244, Water Code, is amended by adding Subsections (e) and (f) to read as follows:

(e)  The executive director of the utility commission, at the discretion of the executive director of the utility commission or on the request of the certificate holder, may make a correction to a certificate of public convenience and necessity, without observing formal amendment procedures, by reissuing the certificate or issuing an endorsement to the certificate. The executive director of the utility commission shall notify the certificate holder that the correction has been made and ensure that the reissued certificate or endorsement is recorded in the commission's records. The executive director of the utility commission may make a correction under this subsection only:

(1)  to correct a clerical or typographical error;

(2)  to change the name of an incorporated certificate holder on a certificate if:

(A)  an amendment to the certificate holder's articles of incorporation or certificate of formation, as applicable, is filed with the secretary of state that only changes the name of the certificate holder; and

(B)  the certificate holder provides verification from the secretary of state to the commission that the amendment only changed the name of the certificate holder;

(3)  to correct a mapping error in a certificate to reflect the metes and bounds of the certificated area; or

(4)  to correct another similar nonsubstantive error or matter if authorized by the commission by rule.

(f)  The executive director of the utility commission may not make a correction under Subsection (e)(3) unless the certificate holder:

(1)  submits to the executive director of the utility commission a written agreement between all affected persons about the correction; and

(2)  provides notice of the correction to any customers of the certificate holder affected by the correction.

SECTION 2.  Section 13.246(j), Water Code, is amended to read as follows:

(j)  This section does not apply to an application under Section 13.258 or a correction under Section 13.244(e).

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

\* \* \* \* \*