

1-1 By: Hall S.B. No. 317
 1-2 (In the Senate - Filed December 19, 2022; February 15, 2023,
 1-3 read first time and referred to Committee on Water, Agriculture &
 1-4 Rural Affairs; April 18, 2023, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
 1-6 April 18, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 317 By: Hancock

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to appellate jurisdiction of the Public Utility Commission
 1-22 regarding certain water or sewer service fees.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 13.043, Water Code, is amended by
 1-25 amending Subsection (g) and adding Subsection (g-1) to read as
 1-26 follows:

1-27 (g) An applicant for service from an affected county or a
 1-28 water supply or sewer service corporation may appeal to the utility
 1-29 commission a decision of the county or water supply or sewer service
 1-30 corporation relating to any fee or ~~[affecting the]~~ amount to be paid
 1-31 to obtain service, other than the regular membership or tap fees or
 1-32 a groundwater conservation district or other governmental fee. In
 1-33 addition to the factors specified under Subsection (j), in an
 1-34 appeal brought under this subsection the utility commission shall
 1-35 determine whether the amount paid by the applicant is consistent
 1-36 with the tariff of the water supply or sewer service corporation and
 1-37 is reasonably related to the cost of installing on-site and
 1-38 off-site facilities to provide service to that applicant. If the
 1-39 utility commission finds the amount charged to be clearly
 1-40 unreasonable, it shall establish the fee to be paid for that
 1-41 applicant. An appeal under this subsection must be initiated
 1-42 within 90 days after the date written notice is provided to the
 1-43 applicant or member of the decision of an affected county or water
 1-44 supply or sewer service corporation relating to the applicant's
 1-45 initial request for that service. A determination made by the
 1-46 utility commission on an appeal under this subsection is binding on
 1-47 all similarly situated applicants for service, and the utility
 1-48 commission may not consider other appeals on the same issue until
 1-49 the applicable provisions of the tariff of the water supply or sewer
 1-50 service corporation are amended.

1-51 (g-1) An applicant for service from a water supply or sewer
 1-52 service corporation may appeal to the utility commission for a
 1-53 determination of whether the regular membership fee or tap fee
 1-54 required to be paid to obtain service is consistent with the tariff
 1-55 of the water supply or sewer service corporation. If the utility
 1-56 commission finds that the fee is inconsistent with the tariff of the
 1-57 water supply or sewer service corporation, the utility commission
 1-58 shall issue an order requiring the water supply or sewer service
 1-59 corporation to charge the applicant an amount consistent with the
 1-60 tariff. An appeal under this subsection must be initiated not later

2-1 than the 30th day after the date the water supply or sewer service
2-2 corporation provides the applicant with the cost of obtaining
2-3 service.

2-4 SECTION 2. This Act takes effect immediately if it receives
2-5 a vote of two-thirds of all the members elected to each house, as
2-6 provided by Section 39, Article III, Texas Constitution. If this
2-7 Act does not receive the vote necessary for immediate effect, this
2-8 Act takes effect September 1, 2023.

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