

CHAPTER 664

S.B. No. 420

AN ACT

relating to requiring a gas utility to refund illegal or unlawful compensation collected by the utility.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 5.11, Gas Utility Regulatory Act (Article 1446e, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5.11. EQUALITY OF RATES AND SERVICES. No gas utility may, directly or indirectly, by any device whatsoever or in any manner, charge, demand, collect, or receive from any person a greater or lesser compensation for any service rendered or to be rendered by the utility than that prescribed in the schedule of rates of the gas utility applicable when filed in the manner provided in this Act, nor may any person knowingly receive or accept any service from a gas utility for a compensation greater or less than that prescribed in the schedules, provided that all rates being charged and collected by a gas utility on September 1, 1983, may be continued until schedules are filed. *The railroad commission may after notice of and hearing in the public interest order a gas utility to refund with interest any compensation received in violation of this section.* This Act does not prevent a cooperative corporation from returning to its members the whole, or any part of, the net earnings resulting from its operations in proportion to their purchases from or through the corporation.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the

constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 13, 1993: Yeas 31, Nays 0; the Senate concurred in House amendment on May 28, 1993, by a viva-voce vote; passed the House, with amendment, on May 26, 1993, by a non-record vote.

Approved June 15, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.