

By: Corte

H.B. No. 1014

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the requirement that certain retail water and sewer
3 utility services maintain auxiliary generators for use during an
4 extended power outage.

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

6 SECTION 1. Subchapter E, Chapter 13, Water Code, is amended
7 by adding Section 13.1395 to read as follows:

8 Sec. 13.1395. AUXILIARY EMERGENCY GENERATORS. (a) This
9 section applies only to a retail public utility required to possess
10 a certificate of convenience and necessity, and a district or
11 affected county, that provide retail water or sewer utility service
12 to more than 1,000 customers in a county that is assigned a risk
13 designation of "high" or "very high" under Subsection (b).

14 (b) The commission by rule shall assign each county in this
15 state a level of risk of "low," "moderate," "high," or "very high"
16 according to that county's likelihood of experiencing a major
17 disaster, based on historical information regarding the number of
18 federal disaster declarations that have been declared for the
19 county.

20 (c) A retail public utility, district, or affected county to
21 which this section applies shall incorporate and maintain on-site
22 automatically starting auxiliary generators capable of ensuring
23 the operation of the utility's water and sewer systems in a county
24 that is assigned a risk designation of "high" or "very high" under

1 Subsection (b) during an extended power outage caused by a major
2 disaster.

3 (d) The commission by rule shall establish the minimum
4 operating standards for auxiliary generators required by
5 Subsection (c), which must include the minimum length of time and
6 minimum operating capacity auxiliary generators must maintain
7 during an extended power outage.

8 SECTION 2. Not later than December 1, 2009, the Texas
9 Commission on Environmental Quality by rule shall adopt standards
10 as required by Section 13.1395, Water Code, as added by this Act.

11 SECTION 3. A retail public utility, district, or affected
12 county required to incorporate and maintain an auxiliary generator
13 under Section 13.1395, Water Code, as added by this Act, shall
14 comply with Texas Commission on Environmental Quality rules adopted
15 under that section not later than January 31, 2010.

16 SECTION 4. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2009.