

By: Callegari

H.B. No. 2405

A BILL TO BE ENTITLED

AN ACT

relating to the requirement that certain retail water and sewer utility services maintain service during an extended power outage.

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

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

Sec. 13.1395. EMERGENCY MUTUAL AID AGREEMENTS. (a) The commission by rule shall assign each county in this state a level of risk of "low," "moderate," or "high" according to that county's likelihood of experiencing a major disaster, based on historical information regarding the number of past major disasters affecting each county.

(b) Each retail public utility, exempt utility, or provider of wholesale sewer service or potable water service in a county receiving a risk designation of "high" based on the commission's assessment under Subsection (a) shall submit to the commission for its approval a mutual aid agreement with another utility or provider that ensures each utility's or provider's continued provision of water and sewer services during an extended power outage. A mutual aid agreement under this subsection must:

(1) ensure that each participant is capable of furnishing water and sewer services during an extended power outage at the minimum water pressure required under commission rules; and

(2) include provisions for the active coordination of

1 recovery efforts with the state operations center.

2 (c) The commission shall adopt rules as necessary to
3 implement this section, provided that the rules emphasize the use
4 of the most cost-effective means of compliance and place as little
5 administrative burden on a utility or provider as is practicable.

6 SECTION 2. This Act takes effect September 1, 2009.