

By: Nichols

S.B. No. 221

A BILL TO BE ENTITLED

AN ACT

relating to the requirement that retail water and utility services maintain auxiliary generators for use during an extended power outage.

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

SECTION 1. Section 13.139, Water Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) A retail public utility required to possess a certificate of public convenience and necessity and a district or affected county that furnishes retail water or sewer utility service shall incorporate and maintain on-site automatically starting auxiliary generators capable of ensuring the operation of the utility's water and sewer systems during an extended power outage.

(f) The commission by rule shall establish the minimum operating standards for auxiliary generators required by Subsection (e). The standards must include the minimum length of time and minimum operating capacity auxiliary generators must maintain during an extended power outage.

SECTION 2. Not later than December 1, 2009, the Texas Commission on Environmental Quality shall adopt standards as required by Sections 13.139(e) and (f), Water Code, as added by this Act.

SECTION 3. A retail public utility, district, or affected

1 county required to incorporate and maintain an auxiliary generator
2 under Sections 13.139(e) and (f), Water Code, as added by this Act,
3 shall comply with Texas Commission on Environmental Quality rules
4 adopted under those sections not later than January 31, 2010.

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