

## **BILL ANALYSIS**

Senate Research Center  
82R845 JXC-F

H.B. 805  
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Transportation & Homeland Security  
5/3/2011  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In 2009, the 81st Legislature enacted S.B. 361 to require that certain water utilities located in Harris County ensure the emergency operation of their water systems during an extended power outage as soon as safe and practicable after a natural disaster. Although the bill was intended to apply to utilities in Fort Bend County, the population bracket used did not accurately identify that county.

H.B. 805 updates the population bracket to ensure that utilities located in Fort Bend County comply with S.B. 361's requirements.

H.B. 805 amends current law relating to the requirement that certain water service providers ensure emergency operations during an extended power outage.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 13.1395(a)(1), Water Code, as follows:

(1) Redefines "affected utility" to mean a retail public utility, exempt utility, or provider or conveyor of potable or raw water service that furnishes water service to more than one customer:

(A) in a county with a population of 3.3 million or more; or

(B) in a county with a population of 350,000, rather than 400,000, or more adjacent to a county with a population of 3.3 million or more.

SECTION 2. (a) Requires each affected utility described by Section 13.1395(a)(1)(B), Water Code, as amended by this Act, not later than November 1, 2011, to submit the information required by Section 13.1396 (Coordination of Emergency Operations), Water Code, to:

(1) each appropriate county judge and office of emergency management;

(2) the Public Utility Commission of Texas; and

(3) the division of emergency management of the governor.

(b) Requires each affected utility described by Section 13.1395(a)(1)(B), Water Code, as amended by this Act, not later than February 1, 2012, to submit to the Texas Commission on Environmental Quality (TCEQ) the emergency preparedness plan required by Section 13.1395 (Standards of Emergency Operations), Water Code, as amended by this Act.

(c) Requires each affected utility described by Section 13.1395(a)(1)(B), Water Code, as amended by this Act, not later than June 1, 2012, to implement the emergency

preparedness plan approved by TCEQ under Section 13.1395, Water Code, as amended by this Act.

(d) Authorizes an affected utility described by Section 13.1395(a)(1)(B), Water Code, as amended by this Act, to file with TCEQ a written request for an extension, not to exceed 90 days, of the date by which the affected utility is required under Subsection (b) of this section to submit the affected utility's emergency preparedness plan or of the date by which the affected utility is required under Subsection (c) of this section to implement the affected utility's emergency preparedness plan. Requires TCEQ to approve the requested extension for good cause shown.

SECTION 3. Effective date: upon passage or September 1, 2011.