

BILL ANALYSIS

C.S.H.B. 2619
By: Callegari
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 2009, the Legislature passed Senate Bill 361 to require that water utilities in Harris County (affected utilities) prepare an emergency plan for the provision of service during an extended power outage as soon as safe and practicable after a natural disaster. The bill required that water utilities report certain information, including their emergency preparedness plan as well as identifying and emergency contact information, to their county judge.

C.S.H.B. 2619 removes the requirement that affected utilities provide the required information to a county judge. In the alternative, and as prescribed by C.S.H.B. 2619, affected utilities shall submit required emergency preparedness reports and other information to their applicable retail electric or transmission and distribution service providers. This change would remove the county judge from the role of receiving and distributing emergency preparedness information from affected utilities, and require that those utilities provide the information directly to their electric service providers.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends §13.1396 (b), (c), (d), (e) and (g), Water Code to strike the requirement that affected utilities submit an emergency preparedness plan and notification from the Texas Commission on Environmental Quality (TCEQ) that the utility's plan is accepted to a county judge. The bill strikes the requirement that each affected utility submit certain identifying and contact information to a county judge. The bill expands the types of entities that an affected utility must submit certain identifying and contact information to include each retail electric provider that sells electric power to the affected utility and each electric utility that provides transmission and distribution service to the affected utility. The bill requires that an affected utility annually submit certain information required by an electric provider to the provider. The bill strikes the requirement that a county judge annually submit identifying and contact information for each affected utility to each retail electric provider and transmission utility that sells electric power or provides service to an affected utility. The bill strikes the requirement that an electric utility report its determination that an affected utility's facilities do not qualify for critical load status to the applicable county judge. The bill requires that an electric utility provide that determination notice to each affected utility and to the office of emergency management of the county in which the water and wastewater facilities are located.

SECTION 2. Repeals §13.1396(a)(2), Water Code, defining "county judge" as a county judge or the person designated by a county judge.

SECTION 3. Effective date upon passage with two-thirds affirmative vote in each chamber, or 1 September 2011.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 2619 differs from the original substitute by excluding the reference to wastewater facilities that was included in the caption of the introduced version of the bill. The committee substitute also makes non-substantive changes to the original version of the bill to ensure that the draft comports with Legislative Council's style.