

AN ACT

relating to the requirement that certain water service providers ensure emergency operations during an extended power outage.

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

SECTION 1. Section 13.1395(a)(1), Water Code, is amended to read as follows:

(1) "Affected utility" means 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 550,000 [~~400,000~~] or more adjacent to a county with a population of 3.3 million or more.

SECTION 2. (a) Not later than November 1, 2011, each affected utility described by Section 13.1395(a)(1)(B), Water Code, as amended by this Act, shall submit the information required by Section 13.1396, 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) Not later than February 1, 2012, each affected utility

1 described by Section 13.1395(a)(1)(B), Water Code, as amended by
2 this Act, shall submit to the Texas Commission on Environmental
3 Quality the emergency preparedness plan required by Section
4 13.1395, Water Code, as amended by this Act.

5 (c) Not later than June 1, 2012, each affected utility
6 described by Section 13.1395(a)(1)(B), Water Code, as amended by
7 this Act, shall implement the emergency preparedness plan approved
8 by the Texas Commission on Environmental Quality under Section
9 13.1395, Water Code, as amended by this Act.

10 (d) An affected utility described by Section
11 13.1395(a)(1)(B), Water Code, as amended by this Act, may file with
12 the Texas Commission on Environmental Quality a written request for
13 an extension, not to exceed 90 days, of the date by which the
14 affected utility is required under Subsection (b) of this section
15 to submit the affected utility's emergency preparedness plan or of
16 the date by which the affected utility is required under Subsection
17 (c) of this section to implement the affected utility's emergency
18 preparedness plan. The Texas Commission on Environmental Quality
19 shall approve the requested extension for good cause shown.

20 SECTION 3. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 805 was passed by the House on March 30, 2011, by the following vote: Yeas 146, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 805 on May 25, 2011, by the following vote: Yeas 146, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 805 was passed by the Senate, with amendments, on May 24, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor