

1-1 By: Callegari (Senate Sponsor - Hegar) H.B. No. 805
1-2 (In the Senate - Received from the House March 31, 2011;
1-3 April 13, 2011, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 17, 2011, reported
1-5 adversely, with favorable Committee Substitute by the following
1-6 vote: Yeas 9, Nays 0; May 17, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 805 By: Davis

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the requirement that certain water service providers
1-11 ensure emergency operations during an extended power outage.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 13.1395(a)(1), Water Code, is amended to
1-14 read as follows:

1-15 (1) "Affected utility" means a retail public utility,
1-16 exempt utility, or provider or conveyor of potable or raw water
1-17 service that furnishes water service to more than one customer:

1-18 (A) in a county with a population of 3.3 million
1-19 or more; or

1-20 (B) in a county with a population of 550,000
1-21 [~~400,000~~] or more adjacent to a county with a population of 3.3
1-22 million or more.

1-23 SECTION 2. (a) Not later than November 1, 2011, each
1-24 affected utility described by Section 13.1395(a)(1)(B), Water
1-25 Code, as amended by this Act, shall submit the information required
1-26 by Section 13.1396, Water Code, to:

1-27 (1) each appropriate county judge and office of
1-28 emergency management;

1-29 (2) the Public Utility Commission of Texas; and

1-30 (3) the division of emergency management of the
1-31 governor.

1-32 (b) Not later than February 1, 2012, each affected utility
1-33 described by Section 13.1395(a)(1)(B), Water Code, as amended by
1-34 this Act, shall submit to the Texas Commission on Environmental
1-35 Quality the emergency preparedness plan required by Section
1-36 13.1395, Water Code, as amended by this Act.

1-37 (c) Not later than June 1, 2012, each affected utility
1-38 described by Section 13.1395(a)(1)(B), Water Code, as amended by
1-39 this Act, shall implement the emergency preparedness plan approved
1-40 by the Texas Commission on Environmental Quality under Section
1-41 13.1395, Water Code, as amended by this Act.

1-42 (d) An affected utility described by Section
1-43 13.1395(a)(1)(B), Water Code, as amended by this Act, may file with
1-44 the Texas Commission on Environmental Quality a written request for
1-45 an extension, not to exceed 90 days, of the date by which the
1-46 affected utility is required under Subsection (b) of this section
1-47 to submit the affected utility's emergency preparedness plan or of
1-48 the date by which the affected utility is required under Subsection
1-49 (c) of this section to implement the affected utility's emergency
1-50 preparedness plan. The Texas Commission on Environmental Quality
1-51 shall approve the requested extension for good cause shown.

1-52 SECTION 3. This Act takes effect immediately if it receives
1-53 a vote of two-thirds of all the members elected to each house, as
1-54 provided by Section 39, Article III, Texas Constitution. If this
1-55 Act does not receive the vote necessary for immediate effect, this
1-56 Act takes effect September 1, 2011.

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