

1-1 By: Callegari (Senate Sponsor - Whitmire) H.B. No. 2619  
1-2 (In the Senate - Received from the House April 26, 2011;  
1-3 April 29, 2011, read first time and referred to Committee on  
1-4 Business and Commerce; May 18, 2011, reported favorably by the  
1-5 following vote: Yeas 8, Nays 0; May 18, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to emergency preparedness information about water  
1-9 facilities.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Sections 13.1396(b), (c), (d), (e), and (g),  
1-12 Water Code, are amended to read as follows:

1-13 (b) An affected utility shall submit to ~~[the county judge,~~  
1-14 the office of emergency management of each county in which the  
1-15 utility has more than one customer, the Public Utility Commission  
1-16 of Texas, and the office of emergency management of the governor~~]~~  
1-17 a copy of:

1-18 (1) the affected utility's emergency preparedness plan  
1-19 approved under Section 13.1395; and

1-20 (2) the commission's notification to the affected  
1-21 utility that the plan is accepted.

1-22 (c) Each affected utility shall submit to each electric  
1-23 utility that provides transmission and distribution service to the  
1-24 affected utility, each retail electric provider that sells electric  
1-25 power to the affected utility, ~~[the county judge and]~~ the office of  
1-26 emergency management of each county in which the utility has water  
1-27 and wastewater facilities that qualify for critical load status  
1-28 under rules adopted by the Public Utility Commission of Texas, ~~[and~~  
1-29 ~~to]~~ the Public Utility Commission of Texas, and the division of  
1-30 emergency management of the governor:

1-31 (1) information identifying the location and  
1-32 providing a general description of all water and wastewater  
1-33 facilities that qualify for critical load status; and

1-34 (2) emergency contact information for the affected  
1-35 utility, including:

1-36 (A) the person who will serve as a point of  
1-37 contact and the person's telephone number;

1-38 (B) the person who will serve as an alternative  
1-39 point of contact and the person's telephone number; and

1-40 (C) the affected utility's mailing address.

1-41 (d) An affected utility shall:

1-42 (1) annually submit the information required by  
1-43 Subsection (c) to each electric utility that provides transmission  
1-44 and distribution service to the affected utility and to each retail  
1-45 electric provider that sells electric power to the affected  
1-46 utility; and

1-47 (2) immediately update the information provided under  
1-48 Subsection (c) as changes to the information occur.

1-49 (e) ~~Each [Not later than February 1 of each year, the county~~  
1-50 ~~judge of each county that receives the information required by~~  
1-51 ~~Subsections (c) and (d) shall:~~

1-52 ~~[(1) submit the information for each affected utility~~  
1-53 ~~to each retail electric provider that sells electric power to an~~  
1-54 ~~affected utility and each electric utility that provides~~  
1-55 ~~transmission and distribution service to an affected utility; and~~

1-56 ~~[(2) in cooperation with the] affected utility shall~~  
1-57 ~~[7] submit annually to each electric utility that provides~~  
1-58 ~~transmission and distribution service to the affected utility and~~  
1-59 ~~to each retail electric provider that sells electric power to the~~  
1-60 ~~affected utility [for each affected utility] any forms reasonably~~  
1-61 ~~required by an electric utility or retail electric provider for~~  
1-62 ~~determining critical load status, including a critical care~~  
1-63 ~~eligibility determination form or similar form.~~

1-64 (g) If an electric utility determines that an affected

2-1 utility's facilities do not qualify for critical load status, the  
2-2 electric utility and the retail electric provider, not later than  
2-3 the 30th day after the date the electric utility or retail electric  
2-4 provider receives the information required by Subsections (c) and  
2-5 (d), shall provide a detailed explanation of the electric utility's  
2-6 determination to the affected utility and the office of emergency  
2-7 management of each county in which the affected utility's  
2-8 facilities are located [~~each county judge that submitted the~~  
2-9 ~~information~~].

2-10 SECTION 2. Section 13.1396(a)(2), Water Code, is repealed.

2-11 SECTION 3. This Act takes effect immediately if it receives  
2-12 a vote of two-thirds of all the members elected to each house, as  
2-13 provided by Section 39, Article III, Texas Constitution. If this  
2-14 Act does not receive the vote necessary for immediate effect, this  
2-15 Act takes effect September 1, 2011.

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