

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Callegari

H.B. No. 805

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the requirement that certain water service providers  
3 ensure emergency operations during an extended power outage.

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

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

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

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

12 (B) in a county with a population of  
13 350,000~~[400,000]~~ or more adjacent to a county with a population of  
14 3.3 million or more.

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

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

21 (2) the Public Utility Commission of Texas; and

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

24 (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.

**ADOPTED**

MAY 24 2011

*Atty Gen*  
Secretary of the Senate

By: HEGAR

H.B. No. 805

Substitute the following for \_\_\_B. No. \_\_\_\_\_:

By: W. Davis

C.S. \_\_\_B. No. \_\_\_\_\_

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8 exempt utility, or provider or conveyor of potable or raw water  
9 service that furnishes water service to more than one customer:

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

12 (B) in a county with a population of 550,000  
13 [~~400,000~~] or more adjacent to a county with a population of 3.3  
14 million or more.

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

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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  
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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.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 24, 2011**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB805** by Callegari (Relating to the requirement that certain water service providers ensure emergency operations during an extended power outage.), **As Passed 2nd House**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JOB, SD, KJG, SZ, TP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 16, 2011**

**TO:** Honorable Tommy Williams, Chair, Senate Committee on Transportation & Homeland Security

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB805** by Callegari (Relating to the requirement that certain water service providers ensure emergency operations during an extended power outage.), **Committee Report 2nd House, Substituted**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JOB, KJG, SZ, TP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 13, 2011**

**TO:** Honorable Tommy Williams, Chair, Senate Committee on Transportation & Homeland Security

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB805** by Callegari (Relating to the requirement that certain water service providers ensure emergency operations during an extended power outage.), **As Engrossed**

<b>No fiscal implication to the State is anticipated.</b>
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Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JOB, KJG, SZ, TP

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**February 24, 2011**

**TO:** Honorable Allan Ritter, Chair, House Committee on Natural Resources

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB805** by Callegari (Relating to the requirement that certain water service providers ensure emergency operations during an extended power outage.), **As Introduced**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JOB, SZ, TP