

BILL ANALYSIS

C.S.H.B. 252
By: Larson
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Texas is currently in one of the worst droughts on record, and nearly all of the state at one time or another has been classified as under extreme or exceptional drought. According to experts, the state will remain susceptible to drought for the foreseeable future. Water scarcity affects nearly all aspects of life in Texas, including the state's ability to attract new business. Along with the strain on municipal and industrial customers, the agriculture industry is susceptible to heavy losses, which in turn can cause food prices to rise and ranchers to sell their livestock.

Interested parties note that the Texas Commission on Environmental Quality (TCEQ) cannot require public water systems to self-report conditions regarding water availability and that this hampers the timely acquisition of information regarding water shortages. They further note that, during the current drought, TCEQ has spent time and resources monitoring public water systems that have come dangerously close to exhausting their water availability. C.S.H.B. 252 seeks to provide a more effective system for gathering information about water availability by providing for water shortage reporting by water utilities and providers of wholesale water supplies.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 252 amends the Water Code to require a retail public utility and each entity from which the utility is obtaining wholesale water or sewer service for the utility's retail system to project the future period for which the utility's or entity's water supply is a reasonably certain source for the volume of water required for the utility's or entity's needs and to notify the Texas Commission on Environmental Quality (TCEQ) when the utility or entity is reasonably certain that the water supply will be available for less than 180 days. The bill requires TCEQ to adopt rules to implement the bill's provisions and to prescribe the form and content of the notice.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 252 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter E, Chapter 13, Water Code, is amended by adding Section 13.148 to read as follows:

Sec. 13.148. WATER SHORTAGE REPORT. (a) The commission shall require a retail public utility to:

(1) project the future period for which the utility's water supply is a reasonably certain source for the volume of water required for the utility's needs; and

(2) notify the commission when the utility's projected water supply is reasonably certain for less than 180 days.

(b) The commission by rule shall prescribe the form and content of notice required under this section.

SECTION 2. This Act takes effect September 1, 2013.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter E, Chapter 13, Water Code, is amended by adding Section 13.148 to read as follows:

Sec. 13.148. WATER SHORTAGE REPORT. (a) A retail public utility and each entity from which the utility is obtaining wholesale water or sewer service for the utility's retail system shall:

(1) project the future period for which the utility's or entity's water supply is a reasonably certain source for the volume of water required for the utility's or entity's needs; and

(2) notify the commission when the utility or entity is reasonably certain that the water supply will be available for less than 180 days.

(b) The commission shall adopt rules to implement this section and prescribe the form and content of notice required under this section.

SECTION 2. Same as introduced version.