

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

By: Larson, Burnam

H.B. No. 252

A BILL TO BE ENTITLED

AN ACT

relating to water shortage reporting by water utilities and providers of wholesale water supplies.

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

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 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. This Act takes effect September 1, 2013.

**ADOPTED**

MAY 15 2013

*Atay Drew*  
Secretary of the Senate

By: *Steve Hegar* <sup>Larson</sup>

<sup>H</sup>  
~~S~~.B. No. 252

Substitute the following for <sup>4</sup>~~S~~.B. No. 252:

By: *Steve Hegar*

C.S. <sup>H</sup>~~S~~.B. No. 252

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11 certain that the water supply will be available for less than 180  
12 days.

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

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

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 15, 2013**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB252** by Larson (Relating to water shortage reporting by water utilities and providers of wholesale water service.), **As Passed 2nd House**

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

The bill would amend Chapter 13 of the Water Code to require a retail public utility and each entity from which the utility is obtaining wholesale water service to report projected water supplies on a form prescribed by the Texas Commission on Environmental Quality (TCEQ); and to notify TCEQ if the projected available water supply is less than 180 days. Current statutes do not require a retail public utility to report available water supply. TCEQ would be required to adopt rules to implement the provisions of the bill.

TCEQ reported the provisions of the bill are not anticipated to have a significant fiscal impact on the agency and could be performed utilizing the agency's available resources.

The Texas Water Development Board reported no fiscal impact on the agency is anticipated.

**Local Government Impact**

According to the analysis by TCEQ, there are an estimated 3,139 local governments that are retail public utilities that could incur costs associated with additional reporting requirements and a water supply assessment. Some of those costs may include the technical capability to calculate the available water supply or to hire a contractor to perform a water supply assessment. The cost to perform a water supply assessment could vary significantly depending on the types of water supply utilized and the costs to hire a hydrologist, engineer or geologist. Some retail public utilities, especially smaller entities, may not have resources for associated costs.

The Texas Municipal League indicated the fiscal impact for reporting requirements would not be significant, unless the notice required information that the city does not currently access.

**Source Agencies:** 580 Water Development Board, 582 Commission on Environmental Quality

**LBB Staff:** UP, SD, PM, SZ, TP

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

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 7, 2013**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Natural Resources

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB252** by Larson (Relating to water shortage reporting by water utilities and providers of wholesale water service.), **Committee Report 2nd House, Substituted**

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The bill would amend Chapter 13 of the Water Code to require a retail public utility and each entity from which the utility is obtaining wholesale water service to report projected water supplies on a form prescribed by the Texas Commission on Environmental Quality (TCEQ); and to notify TCEQ if the projected available water supply is less than 180 days. Current statutes do not require a retail public utility to report available water supply. TCEQ would be required to adopt rules to implement the provisions of the bill.

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**LBB Staff:** UP, PM, SZ, TP

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

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 24, 2013**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Natural Resources

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB252** by Larson (Relating to water shortage reporting by water utilities and providers of wholesale water supplies.). **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend Chapter 13 of the Water Code to require a retail public utility and each entity from which the utility is obtaining wholesale water service to report projected water supplies on a form prescribed by the Texas Commission on Environmental Quality (TCEQ); and to notify TCEQ if the projected available water supply is less than 180 days. Current statutes do not require a retail public utility to report available water supply. TCEQ would be required to adopt rules to implement the provisions of the bill.

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**Source Agencies:** 580 Water Development Board, 582 Commission on Environmental Quality

**LBB Staff:** UP, PM, SZ, TP

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**March 28, 2013**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB252** by Larson (Relating to water shortage reporting by water utilities and providers of wholesale water supplies.). **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend Chapter 13 of the Water Code to require a retail public utility and each entity from which the utility is obtaining wholesale water or sewer service to report projected water supplies on a form prescribed by the Texas Commission on Environmental Quality (TCEQ); and to notify TCEQ if the projected available water supply is less than 180 days. Current statutes do not require a retail public utility to report available water supply. TCEQ would be required to adopt rules to implement the provisions of the bill.

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**Source Agencies:** 580 Water Development Board, 582 Commission on Environmental Quality

**LBB Staff:** UP, SZ, TP

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

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**March 1, 2013**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB252** by Larson (Relating to water shortage reporting by water utilities.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend Chapter 13 of the Water Code to require a retail public utility to report projected water supplies on a form to be prescribed by the Texas Commission on Environmental Quality (TCEQ); and to notify TCEQ if the projected available water supply is less than 180 days. Current statutes do not require a retail public utility to report available water supply.

TCEQ reported the provisions of the bill are not anticipated to have a significant fiscal impact on the agency and could be performed utilizing the agency's available resources.

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**Local Government Impact**

According to the analysis by TCEQ, there are an estimated 3,139 local governments that are retail public utilities that could incur costs associated with additional reporting requirements and a water supply assessment. Some of those costs may include the technical capability to calculate the available water supply or to hire a contractor to perform a water supply assessment. The cost to perform a water supply assessment could vary significantly depending on the types of water supply utilized and the costs to hire a hydrologist, engineer or geologist. Some retail public utilities, especially smaller entities, may not have resources for associated costs.

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