

## **BILL ANALYSIS**

H.B. 949  
By: Lucio III  
Natural Resources  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, a retail public utility providing potable water that receives financial assistance from the Texas Water Development Board (TWDB) is required to use a portion of that financial assistance, or certain additional financial assistance provided by the TWDB, to mitigate the utility's system water loss if, based on a water audit filed by the utility, the loss meets or exceeds the threshold established by TWDB rule. Interested parties note that recently the TWDB adopted rules establishing water loss thresholds for retail public utilities providing potable water that apply for financial assistance from the TWDB. The parties further note that in developing the thresholds and reviewing submitted water loss data several utilities were identified as meeting or exceeding the thresholds, but the parties also note that some of these utilities either already had loans with the TWDB that addressed the water loss or had already established a program to address the water loss. These parties contend, however, that the law's requirement to use financial assistance to mitigate water loss does not allow for any flexibility when a utility has already taken action or is presently taking action to mitigate water loss. The parties assert that it is important to acknowledge such action. H.B. 949 seeks to address this issue.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 949 amends the Water Code to authorize the Texas Water Development Board (TWDB), on the request of a retail public utility providing potable water that receives financial assistance from the TWDB and if such a utility's system water loss meets or exceeds a certain threshold based on a water audit, to waive the requirement that the utility use a portion of the financial assistance to mitigate the utility's system water loss if the TWDB finds that the utility is satisfactorily addressing the water loss.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.