

BILL ANALYSIS

C.S.H.B. 965
By: Springer
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that in the recent drought a number of municipalities placed water restrictions on private businesses and citizens but that correctional facilities, which consume large amounts of water, generally did not have to comply with the same restrictions. C.S.H.B. 965 seeks to provide for correctional facility compliance with certain water conservation measures.

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

C.S.H.B. 965 amends the Water Code to authorize a retail public utility to require the operator of a correctional facility operated by the Texas Department of Criminal Justice (TDCJ) or operated under contract with TDCJ that receives retail water or sewer utility service from the retail public utility to comply with water conservation measures adopted or implemented by the retail public utility. The bill exempts a correctional facility from being required to comply with a water conservation measure if the operator of the correctional facility submits to the retail public utility a written statement from TDCJ that states that the measure would endanger health and safety at the facility or unreasonably increase the costs of operating the facility. If a retail public utility suspends a water conservation measure and later implements the same measure, the operator of a correctional facility that received an exemption from the original measure must submit a new written statement from TDCJ to obtain an exemption from the newly implemented measure.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 965 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted 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 13.1461 to read as follows:

Sec. 13.1461. CORRECTIONAL FACILITY COMPLIANCE WITH CONSERVATION MEASURES.

A retail public utility may require the operator of a correctional facility, as defined by Section 1.07(14), Penal Code, that receives retail water or sewer utility service from the retail public utility to comply with water conservation measures adopted or implemented by the retail public utility.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter E, Chapter 13, Water Code, is amended by adding Section 13.1461 to read as follows:

Sec. 13.1461. CORRECTIONAL FACILITY COMPLIANCE WITH CONSERVATION MEASURES.

(a) This section applies only to a correctional facility operated by the Texas Department of Criminal Justice or operated under contract with that department.

(b) Except as provided by Subsection (c), a retail public utility may require the operator of a correctional facility that receives retail water or sewer utility service from the retail public utility to comply with water conservation measures adopted or implemented by the retail public utility.

(c) A correctional facility is not required to comply with a water conservation measure under Subsection (b) if the operator of the correctional facility submits to the retail public utility a written statement from the Texas Department of Criminal Justice that states that the measure would endanger health and safety at the facility or unreasonably increase the costs of operating the facility.

(d) If a retail public utility suspends a water conservation measure and later implements the same measure, the operator of a correctional facility that received an exemption from the original measure under Subsection (c) must submit a new written statement from the Texas Department of Criminal Justice to obtain an exemption under Subsection (c) from the newly implemented measure.

SECTION 2. Same as introduced version.