

BILL ANALYSIS

Senate Research Center
84R21865 SLB-D

H.B. 1919
By: Phillips (Estes)
Agriculture, Water & Rural Affairs
5/8/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under Sections 66.007 and 66.0072 of the Texas Parks and Wildlife Code, a political subdivision or municipally owned utility, in operating its water supply system, could be criminally liable if water transferred in its water supply system contains state-listed invasive species, even though the political subdivision or municipally owned utility played no role in introducing the invasive species into the water being transferred.

For example, zebra mussels were first introduced into Lake Texoma in 2009, likely on the hull of a boat that came from another zebra mussel-infested lake, and now these mussels inhabit several water supply reservoirs throughout the state, located in at least three different river basins of the state. Currently, any political subdivision or municipally owned utility that utilizes or operates one of these reservoirs faces possible liability for transferring water containing zebra mussels, even in the normal course of their work in supplying their customers with water. Sections 66.007 and 66.0072 were never intended to impede the provision of water supplies by political subdivisions and municipally owned utilities.

H.B. 1919 makes Sections 66.007 and 66.0072, Parks and Wildlife Code, inapplicable to water transfers in a water supply system by a political subdivision or a municipally owned utility so long as the water is transferred in accordance with the law.

This bill will protect public water suppliers from liability under the Parks and Wildlife Code, thereby ensuring that they can continue to supply water to their customers. In addition, the bill preserves the intent of Sections 66.007 and 66.0072 by not affecting the statutes' applicability to any other action that is a violation of the statute.

H.B. 1919 amends current law relating to the applicability of certain provisions concerning invasive species.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 66.007, Parks and Wildlife Code, by adding Subsection (n), as follows:

(n) Provides that a water transfer described by this subsection is not a violation of this section. Prohibits the Texas Parks and Wildlife Department (TPWD) from requiring a permit under this section for a water transfer described by this subsection. Provides that this subsection applies to a water transfer that meets the following criteria:

(1) the transfer is through a water supply system, including a related water conveyance, storage, or distribution facility;

(2) the transfer is undertaken by a utility owned by a political subdivision, including a water district or municipality; and

(3) the transfer is described by one or more of the following:

(A) a transfer from a water body in which there is no known exotic harmful or potentially harmful fish or shellfish population;

(B) a transfer of water into a water body in which there is a known exotic harmful or potentially harmful fish or shellfish population;

(C) a transfer of water directly to a water treatment facility;

(D) a transfer of water that has been treated prior to the transfer into a water body; or

(E) a transfer of water from a reservoir or through a dam to address flood control or to meet water supply requirements or environmental flow purposes.

SECTION 2. Amends Section 66.0072, Parks and Wildlife Code, by adding Subsection (g), as follows:

(g) Provides that a water transfer described by this subsection is not a violation of this section. Prohibits TPWD from requiring a permit under this section for a water transfer described by this subsection. Provides that this subsection applies to a water transfer that meets the following criteria:

(1) the transfer is through a water supply system, including a related water conveyance, storage, or distribution facility;

(2) the transfer is undertaken by a utility owned by a political subdivision, including a water district or municipality; and

(3) the transfer is described by one or more of the following:

(A) a transfer from a water body in which there is no known exotic harmful or potentially harmful aquatic plant population;

(B) a transfer of water into a water body in which there is a known exotic harmful or potentially harmful aquatic plant population;

(C) a transfer of water directly to a water treatment facility;

(D) a transfer of water that has been treated prior to the transfer into a water body; or

(E) a transfer of water from a reservoir or through a dam to address flood control or to meet water supply requirements or environmental flow purposes.

SECTION 3. Effective date: upon passage or September 1, 2015.