

BILL ANALYSIS

C.S.H.B. 1919
By: Phillips
Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that the zebra mussel, an exotic and harmful shellfish, was introduced to Texas several years ago and has subsequently spread throughout the state and that currently no preventive measures have been identified that effectively stop the spread of the mussel. Certain law prohibits a person from importing, possessing, selling, or placing into the public water of the state exotic harmful or potentially harmful fish or shellfish without an applicable authorization. The parties contend that such law hinders the operation of a water system where water supplies are infested. The parties further contend that, although such law was intended to prevent the introduction and spread of exotic and harmful species, the law was not intended to prohibit a water utility from supplying water. C.S.H.B. 1919 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

C.S.H.B. 1919 amends the Parks and Wildlife Code to prohibit the Parks and Wildlife Department from requiring a permit under statutory provisions relating to the regulation of exotic harmful or potentially harmful fish and shellfish or relating to the regulation of exotic harmful or potentially harmful aquatic plants for specified water transfers and to establish that such a water transfer is not a violation of those statutory provisions. The bill's provisions apply to a water transfer that is through a water supply system, is undertaken by a utility owned by a political subdivision, and meets one or more of the following descriptions: is from a water body in which there is no known exotic harmful or potentially harmful fish or shellfish population or no known exotic harmful or potentially harmful aquatic plant population, as applicable; is into a water body in which there is such a known fish or shellfish population or such a known aquatic plant population, as applicable; is directly to a water treatment facility; is of water that has been treated prior to the transfer into a water body; or is from a reservoir or through a dam to address flood control or to meet water supply requirements or environmental flow purposes.

EFFECTIVE DATE

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

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1919 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. Section 66.007, Parks and Wildlife Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) This section does not apply to a political subdivision or a municipally owned utility.

(a-1) No person may import, possess, sell, or place into the public water of this state exotic harmful or potentially harmful fish or shellfish except as authorized by rule or permit issued by the department.

No equivalent provision. (*But see Sec. 66.007(a) above.*)

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 66.007, Parks and Wildlife Code, is amended by adding Subsection (n) to read as follows:

No equivalent provision. (*But see Sec. 66.007(n)(2) below.*)

(n) A water transfer described by this subsection is not a violation of this section. The department may not require a permit under this section for a water transfer described by this subsection. 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.

No equivalent provision.

SECTION 2. Section 66.0072, Parks and Wildlife Code, is amended by adding Subsection (g) to read as follows:

(g) A water transfer described by this subsection is not a violation of this section.

The department may not require a permit under this section for a water transfer described by this subsection. 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 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, 2015.

SECTION 3. Same as introduced version.