

BILL ANALYSIS

C.S.H.B. 1391
By: Turner
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under statute, the Texas Commission on Environmental Quality (TCEQ) does not oversee the water safety measures of certain regulatory authorities. Prior to annexation, several neighborhoods in Harris County were unincorporated and are lacking water systems that ensure adequate water pressure to operate fire hydrants. The neighborhoods' public safety is at risk due to the lack of oversight from the regulating authority. For example, the Garden City neighborhood of Houston has lost numerous homes to fire due to insufficient equipment and lack of water pressure.

CSHB 1391 amends the Health and Safety Code granting TCEQ oversight to evaluate the regulating authority and enforce public safety measures.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 of this bill.

ANALYSIS

CSHB 1391 amends the Health and Safety Code. The bill sets forth definitions for "residential area", "public utility", and "regulatory authority". The bill requires the appropriate regulatory authority for a public utility to adopt standards for maintaining sufficient water pressure for service to fire hydrants in residential areas in a municipality with a population of 655,000 or more.

TCEQ is required to assess residential areas in a municipality with a population of 655,000 or more to ensure that:

1. The regulatory authority for the area has adopted the required standards; and
2. All public utilities serving the residential area are complying with required standards.

The TCEQ will require the appropriate municipality and acting regulatory authority to make revisions to the standards the commission deems inadequate within a reasonable time. The bill requires a public utility in violation of these standards to comply with the standards within a reasonable time.

The bill does not limit the authority of a certain municipality from recovering, through the public utility's rates, a penalty or fine incurred for a violation.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute amends the Health and Safety Code rather than the Water Code. The substitute requires a regulatory authority for a public utility to adopt standards for maintaining sufficient water pressure for fire hydrant service. The definition of certain municipality differs from the original with the addition of the clarifying language of a population of 655,000 or more. The substitute does not limit the authority of a certain municipality to recover a penalty or fine incurred for a violation. The substitute makes conforming changes.

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