

AN ACT

relating to the provision of water and utility service.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 341, Health and Safety Code, is amended by adding Section 341.0357 to read as follows:

Sec. 341.0357. PUBLIC SAFETY STANDARDS. (a) In this section:

(1) "Public utility" has the meaning assigned by Section 13.002, Water Code.

(2) "Regulatory authority" has the meaning assigned by Section 13.002, Water Code.

(3) "Residential area" means:

(A) an area designated as a residential zoning district by a governing ordinance or code or an area in which the principal land use is for private residences;

(B) a subdivision for which a plat is recorded in the real property records of the county and that contains or is bounded by public streets or parts of public streets that are abutted by residential property occupying at least 75 percent of the front footage along the block face; or

(C) a subdivision a majority of the lots of which are subject to deed restrictions limiting the lots to residential use.

(b) The regulatory authority for a public utility shall by

1 rule or ordinance adopt standards for maintaining sufficient water
2 pressure for service to fire hydrants adequate to protect public
3 safety in residential areas in a municipality with a population of
4 1,000,000 or more.

5 (c) The commission shall assess residential areas in a
6 municipality with a population of 1,000,000 or more to ensure that:

7 (1) the regulatory authority for the area has adopted
8 the standards required by this section; and

9 (2) all public utilities serving the residential area
10 are complying with the standards required by this section.

11 (d) The commission shall require a municipality with a
12 population of 1,000,000 or more and acting as a regulatory
13 authority to make appropriate revisions to standards the commission
14 considers to be inadequate within a reasonable time established by
15 the commission.

16 (e) The commission shall require a public utility in
17 violation of a standard required under this section and established
18 by the commission or by a municipality with a population of
19 1,000,000 or more and acting as a regulatory authority to comply
20 with the standard within a reasonable time established by the
21 commission.

22 (f) This section does not limit the authority of a
23 municipality with a population of 1,000,000 or more and acting as a
24 regulatory authority to prohibit a public utility in violation of a
25 standard established by the municipality from recovering through
26 the public utility's rates a penalty or fine incurred for a
27 violation of a standard.

1 SECTION 2. Section 341.040, Health and Safety Code, is
2 amended to read as follows:

3 Sec. 341.040. DEFINITION. In this subchapter,
4 "commission" means the Texas [~~Natural Resource Conservation~~
5 Commission on Environmental Quality].

6 SECTION 3. This Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 1391 was passed by the House on April 27, 2007, by the following vote: Yeas 130, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1391 on May 25, 2007, by the following vote: Yeas 133, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1391 was passed by the Senate, with amendments, on May 22, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor