

By: Turner

H.B. No. 1391

Substitute the following for H.B. No. 1391:

By: Hancock

C.S.H.B. No. 1391

A BILL TO BE ENTITLED

AN ACT

relating to the authority to regulate certain water and sewage utilities to ensure public safety in residential areas.

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.

1 (b) The regulatory authority for a public utility shall by
2 rule or ordinance adopt standards for maintaining sufficient water
3 pressure for service to fire hydrants adequate to protect public
4 safety in residential areas in a municipality with a population of
5 655,000 or more.

6 (c) The commission shall assess residential areas in a
7 municipality with a population of 655,000 or more to ensure that:

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

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

12 (d) The commission shall require a municipality with a
13 population of 655,000 or more and acting as a regulatory authority
14 to make appropriate revisions to standards the commission considers
15 to be inadequate within a reasonable time established by the
16 commission.

17 (e) The commission shall require a public utility in
18 violation of a standard required under this section and established
19 by the commission or by a municipality with a population of 655,000
20 or more and acting as a regulatory authority to comply with the
21 standard within a reasonable time established by the commission.

22 (f) This section does not limit the authority of a
23 municipality with a population of 655,000 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.