

1-1 By: Turner (Senate Sponsor - Whitmire) H.B. No. 1391
1-2 (In the Senate - Received from the House April 30, 2007;
1-3 May 2, 2007, read first time and referred to Committee on Natural
1-4 Resources; May 21, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 10, Nays 0;
1-6 May 21, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1391 By: Estes

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the provision of water and utility service.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter C, Chapter 341, Health and
1-13 Safety Code, is amended by adding Section 341.0357 to read as
1-14 follows:

1-15 Sec. 341.0357. PUBLIC SAFETY STANDARDS. (a) In this
1-16 section:

1-17 (1) "Public utility" has the meaning assigned by
1-18 Section 13.002, Water Code.

1-19 (2) "Regulatory authority" has the meaning assigned by
1-20 Section 13.002, Water Code.

1-21 (3) "Residential area" means:

1-22 (A) an area designated as a residential zoning
1-23 district by a governing ordinance or code or an area in which the
1-24 principal land use is for private residences;

1-25 (B) a subdivision for which a plat is recorded in
1-26 the real property records of the county and that contains or is
1-27 bounded by public streets or parts of public streets that are
1-28 abutted by residential property occupying at least 75 percent of
1-29 the front footage along the block face; or

1-30 (C) a subdivision a majority of the lots of which
1-31 are subject to deed restrictions limiting the lots to residential
1-32 use.

1-33 (b) The regulatory authority for a public utility shall by
1-34 rule or ordinance adopt standards for maintaining sufficient water
1-35 pressure for service to fire hydrants adequate to protect public
1-36 safety in residential areas in a municipality with a population of
1-37 1,000,000 or more.

1-38 (c) The commission shall assess residential areas in a
1-39 municipality with a population of 1,000,000 or more to ensure that:

1-40 (1) the regulatory authority for the area has adopted
1-41 the standards required by this section; and

1-42 (2) all public utilities serving the residential area
1-43 are complying with the standards required by this section.

1-44 (d) The commission shall require a municipality with a
1-45 population of 1,000,000 or more and acting as a regulatory
1-46 authority to make appropriate revisions to standards the commission
1-47 considers to be inadequate within a reasonable time established by
1-48 the commission.

1-49 (e) The commission shall require a public utility in
1-50 violation of a standard required under this section and established
1-51 by the commission or by a municipality with a population of
1-52 1,000,000 or more and acting as a regulatory authority to comply
1-53 with the standard within a reasonable time established by the
1-54 commission.

1-55 (f) This section does not limit the authority of a
1-56 municipality with a population of 1,000,000 or more and acting as a
1-57 regulatory authority to prohibit a public utility in violation of a
1-58 standard established by the municipality from recovering through
1-59 the public utility's rates a penalty or fine incurred for a
1-60 violation of a standard.

1-61 SECTION 2. Section 341.040, Health and Safety Code, is
1-62 amended to read as follows:

1-63 Sec. 341.040. DEFINITION. In this subchapter,

2-1 "commission" means the Texas [~~Natural Resource Conservation~~
2-2 Commission on Environmental Quality].

2-3 SECTION 3. This Act takes effect September 1, 2007.

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