

By: Miller of Comal

H.B. No. 3609

A BILL TO BE ENTITLED

AN ACT

relating to a requirement to provide sufficient water pressure for fire suppression in certain special utility districts.

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

SECTION 1. Section 13.254(a), Water Code, is amended to read as follows:

(a) The commission at any time after notice and hearing may, on its own motion or on receipt of a petition described by Subsection (a-1), revoke or amend any certificate of public convenience and necessity with the written consent of the certificate holder or if it finds that:

(1) the certificate holder has never provided, is no longer providing, is incapable of providing, or has failed to provide continuous and adequate service in the area, or part of the area, covered by the certificate;

(2) in an affected county as defined in Section 16.341, the cost of providing service by the certificate holder is so prohibitively expensive as to constitute denial of service, provided that, for commercial developments or for residential developments started after September 1, 1997, in an affected county as defined in Section 16.341, the fact that the cost of obtaining service from the currently certificated retail public utility makes the development economically unfeasible does not render such cost prohibitively expensive in the absence of other relevant factors;

1 (3) the certificate holder has agreed in writing to
2 allow another retail public utility to provide service within its
3 service area, except for an interim period, without amending its
4 certificate; ~~[or]~~

5 (4) the certificate holder has failed to file a cease
6 and desist action pursuant to Section 13.252 within 180 days of the
7 date that it became aware that another retail public utility was
8 providing service within its service area, unless the certificate
9 holder demonstrates good cause for its failure to file such action
10 within the 180 days; or

11 (5) the certificate holder has failed to comply with
12 Section 65.301.

13 SECTION 2. Subchapter E, Chapter 65, Water Code, is amended
14 by adding Section 65.301 to read as follows:

15 Sec. 65.301. WATER PRESSURE ADEQUATE FOR FIRE SUPPRESSION.

16 (a) This section applies only to a district whose territory
17 includes land in the corporate limits or extraterritorial
18 jurisdiction of a municipality with a population of more than
19 10,000.

20 (b) A district shall maintain and make available for fire
21 suppression a system that, when tested according to procedures
22 prescribed by commission rules, is capable of producing at least
23 250 gallons per minute.

24 (c) The commission shall revoke a district's certificate of
25 convenience and necessity under Section 13.254(a) on finding that
26 the district is in violation of this section.

27 SECTION 3. The Texas Commission on Environmental Quality

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1 shall adopt rules as necessary to implement and enforce Section
2 65.301, Water Code, as added by this Act, as soon as practicable.

3 SECTION 4. This Act takes effect September 1, 2009.