

By: West

S.B. No. 968

A BILL TO BE ENTITLED

AN ACT

relating to interactive water features and fountains.

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

SECTION 1. Subchapter D, Chapter 341, Health and Safety Code, is amended by adding Section 341.0695 to read as follows:

Sec. 341.0695. INTERACTIVE WATER FEATURES AND FOUNTAINS.

(a) In this section, "interactive water feature or fountain" means an installation that includes water sprays, dancing water jets, waterfalls, dumping buckets, or shooting water cannons and that is maintained for public recreation.

(b) An owner, manager, operator, or other attendant in charge of an interactive water feature or fountain shall maintain the water feature or fountain in a sanitary condition.

(c) The bacterial content of the water in an interactive water feature or fountain may not exceed the safe limits prescribed by the standards adopted under this chapter.

(d) Except as provided by Subsection (f), a minimum free residual chlorine of 1.0 part for each one million units of water used in an interactive water feature or fountain must be maintained.

(e) Water in an interactive water feature or fountain may not show an acid reaction to a standard pH test.

(f) The department may by rule adopt methods other than chlorination for the purpose of disinfecting interactive water

1 features and fountains.

2 (g) An interactive water feature or fountain that is  
3 supplied entirely by drinking water that is not recirculated is not  
4 subject to Subsections (d) and (e).

5 (h) A person known to be or suspected of being infected with  
6 a transmissible condition of a communicable disease shall be  
7 excluded from an interactive water feature or fountain.

8 (i) A county, a municipality, or the state may:

9 (1) require that the owner or operator of an  
10 interactive water feature or fountain within the jurisdiction of  
11 the county or municipality obtain a permit for operation of the  
12 water feature or fountain;

13 (2) inspect an interactive water feature or fountain  
14 within the jurisdiction of the county or municipality for  
15 compliance with this section; and

16 (3) impose and collect a reasonable fee in connection  
17 with a permit or inspection required under this subsection provided  
18 the following are met:

19 (A) the auditor for the county or municipality  
20 shall review the program every two years to ensure that the fees  
21 imposed do not exceed the cost of the program; and

22 (B) the county or municipality refunds the permit  
23 holders any revenue determined by the auditor to exceed the cost of  
24 the program.

25 (j) A county or municipality may by order close, for the  
26 period specified in the order, an interactive water feature or  
27 fountain within the jurisdiction of the county or municipality if

1 the operation of the fountain or water feature violates this  
2 section or a permitting or inspection requirement imposed by the  
3 county or municipality under Subsection (i).

4 SECTION 2. (a) Not later than the 30th day after the  
5 effective date of this Act, the executive commissioner of the  
6 Health and Human Services Commission shall adopt emergency rules in  
7 accordance with Section 2001.034, Government Code, as necessary to  
8 implement Section 341.0695, Health and Safety Code, as added by  
9 this Act.

10 (b) An owner, manager, operator, or other attendant in  
11 charge of an interactive water feature or fountain is not required  
12 to comply with Section 341.0695, Health and Safety Code, as added by  
13 this Act, before the fifth day after the date rules are adopted  
14 under Subsection (a) of this section.

15 SECTION 3. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2009.