

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 primarily 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. A minimum free residual chlorine of 1.0 part for each one million units of water used in a water feature or fountain must be maintained.

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

(e) A county or municipality may:

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

1 water feature or fountain;

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

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

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

11 (B) the county or municipality refunds the permit
12 holders any revenue determined by the auditor to exceed the cost of
13 the program.

14 (f) A county or municipality may by order close, for the
15 period specified in the order, an interactive water feature or
16 fountain within the jurisdiction of the county or municipality if
17 the operation of the fountain or water feature violates this
18 section or a permitting or inspection requirement imposed by the
19 county or municipality under Subsection (e).

20 SECTION 2. (a) Not later than the 30th day after the
21 effective date of this Act, the executive commissioner of the
22 Health and Human Services Commission shall adopt emergency rules in
23 accordance with Section 2001.034, Government Code, as necessary to
24 implement Section 341.0695, Health and Safety Code, as added by
25 this Act.

26 (b) An owner, manager, operator, or other attendant in
27 charge of an interactive water feature or fountain is not required

1 to comply with Section 341.0695, Health and Safety Code, as added by
2 this Act, before the fifth day after the date rules are adopted
3 under Subsection (a) of this section.

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