

1-1 By: West S.B. No. 968
1-2 (In the Senate - Filed February 19, 2009; March 9, 2009, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; March 30, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 March 30, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 968 By: West

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

1-10 relating to interactive water features and fountains.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Subchapter D, Chapter 341, Health and Safety
1-13 Code, is amended by adding Section 341.0695 to read as follows:
1-14 Sec. 341.0695. INTERACTIVE WATER FEATURES AND FOUNTAINS.
1-15 (a) In this section, "interactive water feature or fountain" means
1-16 an installation that includes water sprays, dancing water jets,
1-17 waterfalls, dumping buckets, or shooting water cannons and that is
1-18 maintained for public recreation.
1-19 (b) An owner, manager, operator, or other attendant in
1-20 charge of an interactive water feature or fountain shall maintain
1-21 the water feature or fountain in a sanitary condition.
1-22 (c) The bacterial content of the water in an interactive
1-23 water feature or fountain may not exceed the safe limits prescribed
1-24 by the standards adopted under this chapter.
1-25 (d) Except as provided by Subsection (f), a minimum free
1-26 residual chlorine of 1.0 part for each one million units of water
1-27 used in an interactive water feature or fountain must be
1-28 maintained.
1-29 (e) Water in an interactive water feature or fountain may
1-30 not show an acid reaction to a standard pH test.
1-31 (f) The department may by rule adopt methods other than
1-32 chlorination for the purpose of disinfecting interactive water
1-33 features and fountains.
1-34 (g) An interactive water feature or fountain that is
1-35 supplied entirely by drinking water that is not recirculated is not
1-36 subject to Subsections (d) and (e).
1-37 (h) A person known to be or suspected of being infected with
1-38 a transmissible condition of a communicable disease shall be
1-39 excluded from an interactive water feature or fountain.
1-40 (i) A county, a municipality, or the state may:
1-41 (1) require that the owner or operator of an
1-42 interactive water feature or fountain within the jurisdiction of
1-43 the county or municipality obtain a permit for operation of the
1-44 water feature or fountain;
1-45 (2) inspect an interactive water feature or fountain
1-46 within the jurisdiction of the county or municipality for
1-47 compliance with this section; and
1-48 (3) impose and collect a reasonable fee in connection
1-49 with a permit or inspection required under this subsection provided
1-50 the following are met:
1-51 (A) the auditor for the county or municipality
1-52 shall review the program every two years to ensure that the fees
1-53 imposed do not exceed the cost of the program; and
1-54 (B) the county or municipality refunds the permit
1-55 holders any revenue determined by the auditor to exceed the cost of
1-56 the program.
1-57 (j) A county or municipality may by order close, for the
1-58 period specified in the order, an interactive water feature or
1-59 fountain within the jurisdiction of the county or municipality if
1-60 the operation of the fountain or water feature violates this
1-61 section or a permitting or inspection requirement imposed by the
1-62 county or municipality under Subsection (i).
1-63 SECTION 2. (a) Not later than the 30th day after the

2-1 effective date of this Act, the executive commissioner of the
2-2 Health and Human Services Commission shall adopt emergency rules in
2-3 accordance with Section 2001.034, Government Code, as necessary to
2-4 implement Section 341.0695, Health and Safety Code, as added by
2-5 this Act.

2-6 (b) An owner, manager, operator, or other attendant in
2-7 charge of an interactive water feature or fountain is not required
2-8 to comply with Section 341.0695, Health and Safety Code, as added by
2-9 this Act, before the fifth day after the date rules are adopted
2-10 under Subsection (a) of this section.

2-11 SECTION 3. This Act takes effect immediately if it receives
2-12 a vote of two-thirds of all the members elected to each house, as
2-13 provided by Section 39, Article III, Texas Constitution. If this
2-14 Act does not receive the vote necessary for immediate effect, this
2-15 Act takes effect September 1, 2009.

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