

By: Lucio III

H.B. No. 1973

A BILL TO BE ENTITLED

AN ACT

relating to the provision of water by a public utility or water supply or sewer service corporation for use in fire suppression.

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

SECTION 1. Section 341.0358, Health and Safety Code, is amended to read as follows:

Sec. 341.0358. PUBLIC SAFETY STANDARDS. (a) In this section:

(1) "Public utility" and "water supply or sewer service corporation" have ~~[has]~~ the meanings ~~[meaning]~~ assigned by Section 13.002, Water Code.

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

~~[(3) "Residential area" means:~~

~~[(A) an area designated as a residential zoning district by a governing ordinance or code or an area in which the principal land use is for private residences;~~

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

~~[(C) a subdivision a majority of the lots of which are subject to deed restrictions limiting the lots to~~

1 ~~residential use.]~~

2 (b) The regulatory authority for a public utility or a water
3 supply or sewer service corporation may ~~[shall]~~ by rule or
4 ordinance adopt standards for installing fire hydrants and
5 maintaining sufficient water pressure for service to fire hydrants
6 adequate to protect public safety ~~[in residential areas]~~ in a
7 municipality and the municipality's extraterritorial jurisdiction
8 ~~[with a population of 1,000,000 or more]~~.

9 (c) The commission shall assess ~~[residential]~~ areas in a
10 municipality and the municipality's extraterritorial jurisdiction
11 that are subject to a rule or ordinance under this section to ensure
12 that ~~[with a population of 1,000,000 or more to ensure that:~~

13 ~~[(1) the regulatory authority for the area has adopted~~
14 ~~the standards required by this section; and~~

15 ~~[(2)]~~ all public utilities and water supply or sewer
16 service corporations serving the municipal ~~[residential]~~ area are
17 complying with the standards adopted under ~~[required by]~~ this
18 section.

19 (d) The commission shall require a municipality ~~[with a~~
20 ~~population of 1,000,000 or more and]~~ acting as a regulatory
21 authority to make appropriate revisions to standards the commission
22 considers to be inadequate within a reasonable time established by
23 the commission.

24 (e) The commission shall require a public utility or a water
25 supply or sewer service corporation in violation of a standard
26 adopted ~~[required]~~ under this section and established by the
27 commission or by a municipality ~~[with a population of 1,000,000 or~~

1 ~~more and~~] acting as a regulatory authority to comply with the
2 standard within a reasonable time established by the commission.

3 (f) This section does not limit the authority of a
4 municipality [~~with a population of 1,000,000 or more and~~] acting as
5 a regulatory authority to prohibit a public utility or a water
6 supply or sewer service corporation in violation of a standard
7 established by the municipality from recovering through the public
8 utility's or the water supply or sewer service corporation's rates a
9 penalty or fine incurred for a violation of a standard.

10 [~~(g) This section also applies to a municipality with a~~
11 ~~population of more than 36,000 and less than 41,000 located in two~~
12 ~~counties, one of which is a county with a population of more than~~
13 ~~1.8 million.]~~

14 SECTION 2. The change in law made by this Act applies only
15 to a cause of action that accrues on or after the effective date of
16 this Act. A cause of action that accrues before the effective date
17 of this Act is governed by the law in effect immediately before that
18 date, and that law is continued in effect for that purpose.

19 SECTION 3. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2013.