

BILL ANALYSIS

C.S.H.B. 2496
By: Swanson
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Local fire departments, fire safety consultants, and constituents who live in unincorporated areas have expressed concerns that water in a fire hydrant is not always available. Fire departments and dispatch must be aware of whether a hydrant is operational, as water service disruptions can significantly impact services during an active fire. There is currently no statutory requirement for an applicable entity to alert a fire department or dispatch of planned or unplanned disruptions of water availability. Many local fire departments have the equipment necessary to supply water if a hydrant is not available; however, without advanced notification and preparation, getting these auxiliary tanks to an active fire can significantly delay fire suppression.

C.S.H.B. 2496 requires the regulatory authority of an applicable public water system to notify a fire department or public safety answering point ahead of a planned or unplanned interruption of water services and when water service resumes. The bill provides for the use of a dynamic information database, social media account, or website as a mechanism for the required notification.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality and the Public Utility Commission in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 2496 amends the Health and Safety Code to establish provisions regarding the provision of notice by certain public water systems with respect to a water service interruption in an area served by a fire department that provides fire suppression services. The bill makes its provisions applicable only to a public water system located outside the incorporated area of a municipality that is required by a regulatory authority to install and maintain a fire hydrant under state law relating to public safety standards and fire hydrant flow and pressure standards, including the rules and standards adopted under that applicable state law. Accordingly, the bill requires the regulatory authority of an applicable water system, as defined by the bill, to by rule require the system to provide to each fire department providing fire suppression services in the area where the hydrant is located notice of a water service interruption that renders the hydrant temporarily unavailable for use in a fire emergency. The bill defines the following for purposes of its provisions:

- "regulatory authority," by reference to the Water Code's applicable definition of the term, means the Texas Commission on Environmental Quality and the Public Utility

Commission, excluding the governing body of a municipality as an applicable regulatory authority for purposes of the bill's provisions;

- "fire department," by reference to the Health and Safety Code's applicable definition of the term, means a volunteer fire department or a department of a municipality, county, or special district or authority that provides fire-fighting services; and
- "hydrant," by reference to the Health and Safety Code's applicable definition of the term, means a fire hydrant or a metal flush valve that has the appearance of a fire hydrant and is located in a place that an entity responsible for providing fire suppression services in a fire emergency would expect a fire hydrant to typically be located.

C.S.H.B. 2496 requires such notice to be provided as follows:

- for a planned water service interruption, before the interruption begins; and
- for an unplanned water service interruption of three hours or more, as soon as practicable but not later than 24 hours from the time the authority is first notified or otherwise becomes aware of the interruption.

The bill also requires a public water system to notify each applicable fire department of the water service's resumption not later than two hours from the time the water service is resumed. The bill establishes that, for the purposes of the bill's provisions, a hydrant that is unavailable for pumping directly from the hydrant is unavailable for use in a fire emergency.

C.S.H.B. 2496, for purposes of providing the required notice of water service interruption and resumption, authorizes the applicable regulatory authority of a public water system to approve the use of the following:

- a dynamic information database used for purposes of an emergency notification system; and
- the public water system's website or a social media platform that allows fire departments to subscribe to or otherwise receive notices from the website or platform.

C.S.H.B. 2496 authorizes the regulatory authority to delegate the public water system's duty to provide either type of notice to a public safety answering point that relays information to fire departments providing fire suppression services in the area where the affected hydrant is located. The bill requires such a public safety answering point to provide the notice in accordance with the applicable time established under the bill for each notice. The bill defines "public safety answering point," by reference to the Health and Safety Code's applicable definition of the term, to mean a communications facility that:

- is operated continuously;
- is assigned the responsibility to receive 9-1-1 calls and, as appropriate, to dispatch emergency response services directly or to transfer or relay emergency 9-1-1 calls to other public safety agencies;
- is the first point of reception by a public safety agency of a 9-1-1 call; and
- serves the jurisdictions in which it is located or other participating jurisdictions.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2496 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision not in the introduced establishing that the bill applies only to a public water system located outside the incorporated area of a municipality that is required by a regulatory authority to install and maintain a hydrant under statutory provisions relating to public safety standards and fire hydrant flow and pressure standards, including adopted rules

and standards. Relatedly, the introduced, in defining "regulatory authority," did not include the provision in the substitute's definition of "regulatory authority" that excludes the governing body of a municipality from that shared definition.

Whereas the introduced required the notice of water service interruption no later than one hour from the first notification that a hydrant is unavailable for use when the outage impacts multiple hydrants or three hours from the first notification that a hydrant is unavailable for use when the outage impacts a singular hydrant, the substitute provides for notice requirements based on the following:

- for a planned water service interruption, before the interruption begins; and
- for an unplanned water service interruption of three hours or more, as soon as practicable but not later than 24 hours from the time the authority is first notified or otherwise becomes aware of the interruption.

Whereas the introduced expressly required the regulatory authority for an applicable public water system by rule or ordinance to require the system to provide notice of water service interruption and resumption, the substitute does not make that notice an express requirement of the regulatory authority but instead expressly requires an applicable water system itself to provide such notice without the express specification that it be done by rule or ordinance of the regulatory authority.

The substitute includes the following provisions that were not in the introduced:

- an authorization for the regulatory authority of a public water system to approve the use of the system's website or a social media platform for the purposes of providing the applicable required notice; and
- a specification that a public safety answering point delegated the duty to provide a notice under the bill's provisions must provide that notice in accordance with the applicable time for each applicable required notice.