

## **BILL ANALYSIS**

Senate Research Center  
80R10957 MSE-D

C.S.S.B. 680  
By: Williams  
Intergovernmental Relations  
4/23/2007  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law provides that it is a public nuisance to maintain abandoned and unoccupied property with an unsecured swimming pool in a county with a population of 1.1 million or more, and provides certain requirements for public safety. The pool is required to be protected by a fence at least four feet in height with a latch that cannot be opened by a child or have a cover entirely over it that cannot be removed by a child. These nuisances are generally investigated by county health departments; however, upon discovering a violation these departments are limited to certain actions that are less costly and extreme than the demolition and removal of such nuisances.

C.S.S.B. 680 authorizes certain counties to immediately secure a property by fencing and installing a lock and to abate the nuisance by either maintaining the fence and lock or draining and filling the pool.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 343.011(c), Health and Safety Code, as follows:

(c)(6) Deletes existing text providing that a nuisance is maintaining on any property in a neighborhood in a county with a population of more than 1.1 million, a swimming pool that is not protected with a latched gate that cannot be opened by a child.

(c)(7) Provides that a public nuisance includes maintaining on any property in a neighborhood in a county with a population of more than 1.1 million, a swimming pool that is not protected with certain items.

(c)(8) Redesignated from Subsection (c)(7).

(c)(9) Redesignated from Subsection (c)(8).

(c)(10) Redesignated from Subsection (c)(9).

(c)(11) Redesignated from Subsection (c)(10).

SECTION 2. Amends Section 343.013(c) and (d), Health and Safety Code, as follows:

(c) Includes Sections 343.011(c)(6) in the list of sections under which a county may bring suit to prohibit or control access to the premises to prevent a continued or future violation. Makes conforming changes.

(d) Makes a conforming change.

SECTION 3. Amends Section 343.021, Health and Safety Code, as follows:

Sec. 343.021. AUTHORITY TO ABATE NUISANCE. Authorizes a county to abate a nuisance under this chapter if the county adopts abatement procedures that are consistent with the general purpose of this chapter and that conform to this chapter in the case of a nuisance under Section 343.011(c)(7) by draining and filling the swimming pool. Deletes existing text authorizing the county to abate a nuisance if the county adopts abatement procedures that are consistent with the general purpose of this chapter and that conform to this chapter. Makes conforming changes.

SECTION 4. Amends Section 343.022, Health and Safety Code, by amending Subsections (a), (c), and (e) and adding Subsection (f), as follows:

(a), (c), and (e) Makes conforming changes.

(f) Authorizes a county to abate a nuisance under Section 343.011(c)(6) by prohibiting or controlling access to the premises on which the nuisance is located before conducting a hearing, but only if the county conducts a hearing otherwise in accordance with Subsection (e) after the nuisance is abated.

SECTION 5. Amends Section 343.0235, Health and Safety Code, to make conforming changes.

SECTION 6. Effective date: upon passage or September 1, 2007.