

BILL ANALYSIS

Senate Research Center
81R9512 SLB-F

S.B. 2099
By: Wentworth
Intergovernmental Relations
4/13/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, a city with a water district operating within its city limits experiencing growth must rely on the water district to provide any new residential or commercial development with water pressure sufficient for fire suppression. Should a water district refuse to provide sufficient water pressure for fire suppression, the municipality has no immediate remedy for supplying water with sufficient pressure and the development must expend extraordinary funds for complying with fire code regulations.

As proposed, S.B. 2099 enables municipalities with a population of 10,000 or more to secure water pressure for fire suppression within its city limits and extraterritorial jurisdiction. Water districts would be required to provide 250 gallons per minute of water pressure for fire suppression or the city would be released and decertified from the district's certified area upon application.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to Texas Commission on Environmental Quality in SECTION 2 (Section 65.301, Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 13.254(a), Water Code, to authorize the Texas Commission on Environmental Quality (TCEQ) at any time after notice and hearing, on its own motion or on receipt of a petition described by Subsection (a-1) (relating to authorizing the owner of a tract of certain land to petition TCEQ for expedited release of the area), to revoke or amend any certificate of public convenience and necessity with the written consent of the certificate holder or if it finds that the certificate holder has failed to comply with Section 65.301.

SECTION 2. Amends Subchapter E, Chapter 65, Water Code, by adding Section 65.301, as follows:

Sec. 65.301. WATER PRESSURE ADEQUATE FOR FIRE SUPPRESSION. (a) Provides that this section applies only to a district whose territory includes land in the corporate limits or extraterritorial jurisdiction of a municipality with a population of more than 10,000.

(b) Requires a district to maintain and make available for fire suppression a system that, when tested according to procedures described by TCEQ rules, is capable of producing 250 gallons per minute.

(c) Requires TCEQ to revoke a district's certificate of convenience and necessity under Section 13.254 (a) (relating to revocation or amendment of certificate) on finding that the district is in violation of this section.

SECTION 3. Requires TCEQ to adopt rules as necessary to implement and enforce Section 65.301, Water Code, as added by this Act, as soon as practicable.

SECTION 4. Effective date: September 1, 2009.