

SENATE AMENDMENTS

2nd Printing

By: Canales

H.B. No. 1768

A BILL TO BE ENTITLED

AN ACT

relating to identification requirements for certain fire hydrants
and flush valves.

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

SECTION 1. Section 341.0357, Health and Safety Code, is
amended to read as follows:

Sec. 341.0357. IDENTIFICATION REQUIREMENT FOR CERTAIN
~~[DEVICE WITH APPEARANCE OF]~~ FIRE HYDRANTS AND FLUSH VALVES ~~[HYDRANT~~
~~THAT IS NONFUNCTIONING OR UNAVAILABLE FOR USE IN FIRE~~
~~EMERGENCY]~~. (a) In this section, "hydrant" means:

(1) a fire hydrant; or

(2) a metal flush valve that:

(A) has ~~[The owner of any device having]~~ the
appearance of a fire hydrant; and

(B) [that] ~~[that]~~ 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.

(b) This section applies only to a county, or a municipality
in a county, that:

(1) borders the United Mexican States or is adjacent
to a county that borders the United Mexican States;

(2) has a population of at least 400,000 or has a
population of at least 20,000 and is adjacent to a county that has a
population of at least 400,000; and

1 (3) is within 200 miles of the Gulf of Mexico.

2 (c) Each water utility responsible for any hydrant shall:

3 (1) paint all or the cap of the hydrant white if the
4 hydrant is available to be used only to fill a water tank on a fire
5 truck used for fire suppression services; and

6 (2) paint all or the cap of the hydrant [device] black
7 if the hydrant [device] is [nonfunctioning or otherwise]
8 unavailable for use by the entity providing fire suppression
9 services in a fire emergency.

10 (d) For purposes of Subsection (c)(2), a hydrant is
11 unavailable for use in a fire emergency if it is unavailable for
12 pumping directly from the hydrant or is unavailable for use in
13 filling a water tank on a fire truck used for fire suppression
14 services.

15 (e) A water utility [The owner] may place a black tarp over
16 the hydrant or use another means to conceal the hydrant [device]
17 instead of painting all or the cap of the hydrant [device] black as
18 required under Subsection (c)(2) [this section] if the hydrant
19 [device] is temporarily [nonfunctioning, or temporarily]
20 unavailable for use in a fire emergency[7] for a period not to
21 exceed 45 [seven] days. Not later than the 45th day after the date a
22 hydrant is concealed as provided by this subsection, the water
23 utility responsible for the hydrant shall:

24 (1) if the hydrant is available for the provision of
25 fire suppression services, remove the tarp or other means of
26 concealment; or

27 (2) if the hydrant continues to be unavailable for use

1 in a fire emergency, paint all or the cap of the hydrant black as
2 required by Subsection (c)(2).

3 (f) A water utility that paints all or the cap of a hydrant
4 black as required by Subsection (c)(2) may also ensure by any
5 reasonable means that the hydrant is identifiable in low-light
6 conditions, including by installing reflectors.

7 (g) [~~(b)~~] For purposes of this section, a hydrant [~~device~~
8 is considered to be unavailable for use by an entity responsible for
9 providing fire suppression services in a fire emergency if the
10 water utility is not obligated by ordinance, regulation, or
11 contract to provide water for fire suppression services and elects
12 not to provide water for those services [~~nonfunctioning if the~~
13 ~~device pumps less than 250 gallons of water per minute~~].

14 (h) [~~(c)~~] This section does not apply:

15 (1) within the jurisdiction of a governmental entity
16 that maintains its own system for labeling or color coding its
17 hydrants; or

18 (2) to any water utility that has entered into a
19 contract with a municipality or volunteer fire department to
20 provide a water supply for fire suppression services if the
21 contract specifies a different system for labeling or color coding
22 hydrants [~~a device having the appearance of a fire hydrant that is~~
23 ~~nonfunctioning or otherwise unavailable for use in a fire~~
24 ~~emergency~~].

25 (i) For purposes of Subsection (h), a system for labeling or
26 color coding hydrants may include the assignment of different
27 colors to identify hydrants that are available for direct pumping,

1 hydrants that are available for filling a water tank on a fire truck
2 used for fire suppression services, and hydrants that are
3 unavailable for use by an entity providing fire suppression
4 services in a fire emergency.

5 (j) The fact that all or the cap of a hydrant for which a
6 water utility is responsible under this section is not painted
7 black as described by Subsection (c)(2) or concealed in the manner
8 described by Subsection (e) does not constitute a guarantee by the
9 water utility that the hydrant will deliver a certain amount of
10 water flow at all times. Notwithstanding any provision of Chapter
11 101, Civil Practice and Remedies Code, to the contrary, a water
12 utility is not liable for a hydrant's inability to provide adequate
13 water supply in a fire emergency.

14 SECTION 2. Not later than January 1, 2014, each water
15 utility responsible for hydrants under Section 341.0357, Health and
16 Safety Code, as amended by this Act, shall ensure that its hydrants
17 comply with the requirements imposed by that section.

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

ADOPTED

MAY 13 2013

Latoy Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *J. J. Acary*

Amend H.B. No. 1768 (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in amended Section 341.0357, Health and Safety Code (page 1, lines 45 and 58, and page 2, lines 4-5, 12, 19, 27, 42, 45, and 47-48), strike "water utility" each place it appears and substitute "public water system".

(2) In SECTION 2 of the bill, in the transition language (page 2, lines 50-51), strike "water utility" and substitute "public water system".

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 15, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1768 by Canales (Relating to identification requirements for certain fire hydrants and flush valves.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: UP, SZ, KJo, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 2, 2013

TO: Honorable Troy Fraser, Chair, Senate Committee on Natural Resources

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1768 by Canales (Relating to identification requirements for certain fire hydrants and flush valves.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: UP, SZ, KJo, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 9, 2013

TO: Honorable Rafael Anchia, Chair, House Committee on International Trade & Intergovernmental Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1768 by Canales (Relating to identification requirements for certain fire hydrants and flush valves.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: UP, KJo, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 27, 2013

TO: Honorable Rafael Anchia, Chair, House Committee on International Trade & Intergovernmental Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1768 by Canales (Relating to identification requirements for certain fire hydrants and flush valves.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: UP, KJo, TP