CHAPTER 605
S.B. No. 944
AN ACT relating to criminal history record checks for certain employees of facilities licensed by the Department of State Health Services.

Be it enacted by the Legislature of the State of Texas:
SECTION 1. Subdivision (3), Section 250.001, Health and Safety Code, is amended to read as follows:
(3) “Facility” means:
(A) a nursing home, custodial care home, or other institution licensed by the Department of Aging and Disability Services under Chapter 242;
(B) an assisted living facility licensed by the Department of Aging and Disability Services under Chapter 247;
(C) a home and community support services agency licensed under Chapter 142;
(D) an adult day care facility licensed by the Department of Aging and Disability Services under Chapter 103, Human Resources Code;
(E) a facility for persons with mental retardation licensed under Chapter 252;
(F) an adult foster care provider that contracts with the Department of Aging and Disability Services;
(G) a facility that provides mental health services and that is operated by or contracts with the Department of State Health Services;
(H) a local mental health or mental retardation authority designated under Section 533.035;
(I) a person exempt from licensing under Section 142.003(a)(19); or
(J) a special care facility licensed by the Department of State Health Services under Chapter 248; or
(K) a mental health service unit of a hospital licensed under Chapter 241.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed the Senate on March 21, 2013: Yeas 31, Nays 0; passed the House on May 17, 2013: Yeas 126, Nays 14, three present not voting.
Approved June 14, 2013.
Effective June 14, 2013.

CHAPTER 606
S.B. No. 1086
AN ACT relating to the regulation of certain water and sewage utilities to ensure public safety in and around certain municipalities.

1618
Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (a), Section 341.0358, Health and Safety Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "Industrial district" has the meaning assigned by Section 42.044, Local Government Code, and includes an area that is designated by the governing body of a municipality as a zoned industrial area.

(1-a) "Public utility" has the meaning assigned by Section 13.002, Water Code.

SECTION 2. Subsection (g), Section 341.0358, Health and Safety Code, is amended to read as follows:

(g) This section also applies to:

(1) a municipality with a population of more than 36,000 and less than 41,000 located in two counties, one of which is a county with a population of more than 1.8 million;

(2) a municipality, including any industrial district within the municipality or its extraterritorial jurisdiction, with a population of more than 7,000 and less than 30,000 located in a county with a population of more than 155,000 and less than 180,000; and

(3) a municipality, including any industrial district within the municipality or its extraterritorial jurisdiction, with a population of more than 11,000 and less than 18,000 located in a county with a population of more than 125,000 and less than 230,000.

SECTION 3. Subchapter C, Chapter 341, Health and Safety Code, is amended by adding Section 341.03585 to read as follows:

Sec. 341.03585. FIRE HYDRANT FLOW AND PRESSURE STANDARDS IN CERTAIN MUNICIPALITIES. (a) In this section:

(1) "Industrial district" has the meaning assigned by Section 42.044, Local Government Code, and includes an area that is designated by the governing body of a municipality as a zoned industrial area.

(2) "Municipal utility" means a retail public utility, as defined by Section 13.002, Water Code, that is owned by a municipality.

(3) "Residential area" has the meaning assigned by Section 341.0358.

(4) "Utility" includes a "public utility" and "water supply or sewer service corporation" as defined by Section 13.002, Water Code.

(b) This section applies only to:

(1) a municipality, including any industrial district within the municipality or its extraterritorial jurisdiction, with a population of more than 7,000 and less than 30,000 located in a county with a population of more than 155,000 and less than 180,000; and

(2) a municipality, including any industrial district within the municipality or its extraterritorial jurisdiction, with a population of more than 11,000 and less than 18,000 located in a county with a population of more than 125,000 and less than 230,000.

(c) The governing body of a municipality by ordinance shall adopt standards requiring a utility to maintain a sufficient water flow and pressure to fire hydrants in a residential area or an industrial district located in the municipality or the municipality's extraterritorial jurisdiction. The standards:

(1) in addition to a utility's maximum daily demand, must provide, for purposes of emergency fire suppression, for:

(A) a sufficient water flow not in excess of 250 gallons per minute for at least two hours; and

(B) a sufficient water pressure not in excess of 20 pounds per square inch;

(2) must require a utility to maintain at least the sufficient water flow and pressure described by Subdivision (1) in fire hydrants in a residential area or an industrial district located within the municipality or the municipality's extraterritorial jurisdiction; and

(3) notwithstanding Subdivisions (1) and (2), if the municipality owns a municipal utility, may not require another utility located in the municipality or the municipality's
extraterritorial jurisdiction to provide water flow and pressure in a fire hydrant greater than that provided by the municipal utility.

(d) Except as provided by this subsection, an ordinance under Subsection (c) may not require a utility to build, retrofit, or improve fire hydrants and related infrastructure in existence at the time the ordinance is adopted. An ordinance under Subsection (c) may apply to a utility’s fire hydrants and related infrastructure that the utility:

1. installs after the effective date of the ordinance; or
2. acquires after the effective date of the ordinance if the hydrants and infrastructure comply with the standards adopted by the ordinance at the time the hydrants and infrastructure are acquired.

(e) After adoption of an ordinance under Subsection (c), the municipality shall encourage any responsible emergency services district, as described by Chapter 775, to enter into a written memorandum of understanding with the utility to provide for:

1. the necessary testing of fire hydrants; and
2. other relevant issues pertaining to the use of the water and maintenance of the fire hydrants to ensure compliance with this section.

(f) After adoption of an ordinance under Subsection (c), the utility shall paint all fire hydrants in accordance with the ordinance or a memorandum of understanding under Subsection (e) that are located in a residential area or an industrial district within the municipality or the municipality’s extraterritorial jurisdiction.

(g) Notwithstanding any provision of Chapter 101, Civil Practice and Remedies Code, to the contrary, a utility is not liable for a hydrant’s or metal flush valve’s inability to provide adequate water supply in a fire emergency. This subsection does not waive a municipality’s immunity under Subchapter I, Chapter 271, Local Government Code, or any other law and does not create any liability on the part of a municipality or utility under a joint enterprise theory of liability.

SECTION 4. This Act takes effect September 1, 2013.
Passed the Senate on April 25, 2013: Yeas 30, Nays 0; the Senate concurred in House amendment on May 23, 2013: Yeas 31, Nays 0; passed the House, with amendment, on May 20, 2013: Yeas 147, Nays 0, two present not voting.
Approved June 14, 2013.
Effective September 1, 2013.

CHAPTER 607
S.B. No. 1098
AN ACT
relating to the creation of the Padre Isles Management District; providing authority to issue bonds.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3912 to read as follows:

CHAPTER 3912. PADRE ISLES MANAGEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3912.001. DEFINITIONS. In this chapter:

1. “Board” means the district’s board of directors.
2. “Bulkhead property” means all bulkheads in the district owned by the district or owned or previously owned by the Padre Isles Property Owners Association, including any associated easements.