

TPSC

Texas Pool & Spa Coalition

Protecting Your Business and Interests. The TPSC Board and professional staff are enhancing their focus and efforts in several critical areas, including:

- ✓ **Water.** Seeking to improve state laws and local ordinances so that water droughts are not used as a trigger to harm either your business activities or your customers. Promoting water access and adequacy.
- ✓ **Rebates.** Promoting energy and equipment rebate programs that help secure the Texas electric grid, improve the business market, and enhance consumer interest.
- ✓ **Regulations.** Engaging with state agencies – namely, the Texas Department of Licensing and Regulation – to encourage legal compliance, improve consumer protection, and ensure regulatory enforcement is properly tailored.

2023 Legislation. During Texas' 88th Regular Legislative Session, Texas legislators introduced more than 8,000 bills, 5,413 in the House and 2,633 in the Senate. Of these bills, 1,246 were sent to Governor Greg Abbott (R) for consideration. The Governor signed 1,038 bills into law, filed 131 bills without his signature (thus became law), and vetoed 77 bills. Several of these bills had either direct or indirect impact to the pool and spa industry in Texas. This is a compilation of the most impactful bills that the Texas Pool and Spa Coalition tracked and/or engaged on during the 2023 Legislative Session.

[HB 1391 Schaefer, Matt\(R\)](#) Relating to the regulation of electricians, including the requirements to obtain a residential wireman license. **(SUPPORT – Passed)**

Background: Under Occupations Code sec. 1305.157, an applicant for a residential wireman license must have at least 4,000 hours of on-the-job training under the supervision of a master electrician or residential wireman and pass a residential wireman examination. CSHB 1391 would qualify an applicant for a residential wireman license if the applicant successfully completed a certain career and technology education program. A "career and technology education (CTE) program" would mean a CTE program under the Education Code or a program determined by the Texas Department of Licensing and Regulation (TDLR) to be similar and offered by an institution of higher education or a private school. A person who successfully completed a sequence of courses in the electrical trade that were offered through a CTE program could apply for and take an examination for a residential wireman license, regardless of whether the person had completed the required number of hours of on-the-job training.

[HB 1568 Allison, Steve \(R\)](#) / [SB 765 Zaffirini, Judith \(D\)](#) Relating to the licensing and regulation of child swim instruction operators. **(Oppose – Failed to pass)**

Background: Some have suggested that state licensing and regulation of swim instructors and their operators would help to ensure the safety and well-being of young children. SHB 1568 would add provisions regarding the licensing and regulation of child swim instruction. CSHB 1568 would define a "controlling person" as a partner, officer, director, managing employee, owner, or other person who acted as a controlling person through the exercise of influence over management, money or policy of a business. A "serious incident" would mean a suspected or actual incident that occurred during and as a direct result of swim instruction and that threatened or impaired the health, safety, or well-being of a student. The term would include:

- Abuse, neglect, exploitation, or death of a student;
- A critical injury of a student; and
- An illness of a student that required hospitalization.

An "operator" would mean a company, corporation, partnership, or limited liability corporation that employed two or more employees and provided or offered to provide swim instruction for compensation. For the purposes of CSHB 1568, a "student" would mean a child younger than seven years old.

[HB 2127 Burrows, Dustin\(R\)](#) Relating to state preemption of and the effect of certain state or federal law on certain municipal and county regulation. **(SUPPORT- Passed)**

Background: The "Mother of All Preemption Bills" includes these features:

- Preempt both existing and prospective local (city & county) laws in the "field" of specifically named state codes, unless the state legislature gave previously or will give local governments explicit authorization to enact the local law.
- Those nine state codes are: Agriculture; Business & Commerce; Finance; Insurance; Labor; Local Government; Natural Resources; Occupations; Property.
- The bill includes substantial enforcement mechanisms and is designed to rein-in runaway liberal local government overreach using inherent city and county power.

[HB 2255 Turner, Chris \(D\)](#) Relating to the regulation and operation of an interactive water feature or fountain. **(Monitor – Failed to pass)**

Background: Would provide that a city or county with an interactive water feature or fountain wholly or partly located in that government jurisdiction shall:

- Require the person operating the interactive water feature or fountain to manually test and record the features or fountains chemical levels every three to four hours during operating hours;
- Inspect the interactive water feature or fountain at least twice annually; and

- Prepare a report containing the manual chemical level test results recorded and make the report available to the public.

[HB 2424 Romero, Ramon \(D\)](#) Relating to training and certification requirements for public swimming pool and spa inspectors. **(MONITOR – Failed to pass)**

Background: Texas law establishes health and safety standards for the construction, operation, and maintenance of public swimming pools and artificial swimming lagoons, including with respect to safety features and water quality standards, for the purpose of ensuring public health and safety. In order to ensure compliance with these standards, public swimming pools and artificial swimming lagoons are subject to inspection by local or state regulators. However, the individuals that perform the inspections are not required by state law to receive any training. Successfully protecting public health is an active process whereby well-trained credentialed individuals investigate and oversee public engagement in activities where the confluence of populations might be exposed to health or safety risks. Texas registered sanitarians, code enforcement officers, and other health and safety professionals are tasked to do just that on a regular basis.

As technologies improve and are becoming more complex, many public swimming pool and artificial swimming lagoon inspectors are unfamiliar with the technical intricacies of pool operation and are therefore unprepared to provide a proper code-driven inspection. C.S.H.B. 2424 seeks to address this issue by requiring individuals who conduct inspections of public swimming pools and artificial swimming lagoons to have at a minimum the training and certification required of public swimming pool and artificial swimming lagoon owners and operators.

[SB 2038 Bettencourt, Paul \(R\)](#) Relating to release of an area from a municipality's extraterritorial jurisdiction by petition or election. **(SUPPORT – Passed)**

Background: Residents and property owners who are subject to municipal regulatory authority in the Extraterritorial Jurisdiction (ETJ) of municipalities have no vote or voice in the municipalities that regulate them.

Before this bill passed into law, cities had far too much control over areas outside of municipal corporate boundaries, which can cause property owners in those areas to be subject to regulations and restrictions that may not necessarily be in their best interests.

SB 2038 targets city-created problems by providing for the release of an area from a municipality's ETJ by petition or election.

[SB 28](#) and [SJR 75 Perry, Charles \(R\)](#) (1) Relating to financial assistance provided and programs administered by the Texas Water Development Board and (2) Proposing a constitutional amendment creating the Texas water fund to assist in financing water projects in this state. **(SUPPORT – Passed and voters approved the constitutional amendment)**

Background: SB28 and SJR75 would create the Texas Water Fund at the Texas Water Development Board. The fund establishes a new pathway for current and future appropriations to target key water infrastructure across the state.

The bill would also create the New Water Supply Fund that targets big water supply projects for Texas with a goal to find 7-million-acre feet (2.2 trillion gallons of water) during the next 10 years through committed projects. The fund would target desalination projects including (1) marine, brackish, and produced water; (2) water from other states; and (3) new technologies with the potential to create large volumes of water.

[HB 59 Goodwin, Vikki\(D\)](#) / [SB 591 Zaffirini, Judith\(D\)](#) Relating to child water safety requirements for certain organizations. **(Monitor - Passed)**

Background: H.B. 59 would require childcare organizations, such as schools, preschools, kindergartens, nursery schools, or camps, to obtain written notice from parents stating whether their children can swim and to place and fasten a U.S. Coast Guard-approved life jacket on children who cannot swim and are likely to enter a pool, lake, or river during any activity organized by the childcare organization. This change should help reduce preventable accidents and fatalities. H.B. 59 amends current law relating to child water safety requirements for certain organizations and authorizes disciplinary action, including an administrative penalty.

[HB 4 Capriglione, Giovanni\(R\)](#) Relating to the regulation of the collection, use, processing, and treatment of consumers' personal data by certain business entities. **(Monitor - Passed)**

Background: The collection of private & personal data can be excessive, such as unduly holding onto private records, having information collected by a company that a person may not want known, or information that one prefers to be removed from an online database to protect it from any future dangers. This act is part of a larger movement by state legislatures to set standards for the collection and use of consumer data. HB 4 ensures Texas residents are provided the right to:

- Access personal data and receive that data in a readable format;
- Correct and delete personal data; and
- Opt-out of the collection & sale of personal data.