

BILL ANALYSIS

H.B. 1174
By: Hartnett
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

When a municipality's sanitary sewer system backs up, homeowners can experience substantial damage and incur cleanup costs that can exceed \$100,000. Municipalities generally do not reimburse residents for this damage because the sewer service is a governmental function and therefore not liable for damages. Municipalities sometimes claim that an expenditure for such a reimbursement would be illegal as the municipality is not liable.

H.B. 1174 allows a municipality to pay reimbursements for damages resulting from a sewer system backup.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1174 amends the Local Government Code to authorize a municipality to pay damages arising from the backup of the municipality's sanitary sewer system regardless of whether the municipality would be liable for the damages under the Texas Tort Claims Act.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.