

1-1 By: Hartnett (Senate Sponsor - Watson) H.B. No. 1174
1-2 (In the Senate - Received from the House April 23, 2009;
1-3 May 1, 2009, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 22, 2009, reported adversely,
1-5 with favorable Committee Substitute by the following vote: Yeas 5,
1-6 Nays 0; May 22, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1174 By: Gallegos

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to payment by a municipality or river authority for
1-11 certain damages caused by the municipality's or river authority's
1-12 operation of a sanitary sewer system.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter Z, Chapter 552, Local Government
1-15 Code, is amended by adding Section 552.912 to read as follows:

1-16 Sec. 552.912. CERTAIN DAMAGES CAUSED BY SEWAGE BACKUP. (a)
1-17 A municipality or a river authority may pay actual property damages
1-18 caused by the backup of the municipality's or river authority's
1-19 sanitary sewer system regardless of whether the municipality or
1-20 river authority would be liable for the damages under Chapter 101,
1-21 Civil Practice and Remedies Code.

1-22 (b) This section does not waive governmental immunity from
1-23 suit or liability.

1-24 SECTION 2. Section 552.912, Local Government Code, as added
1-25 by this Act, applies to damages caused by the backup of a sanitary
1-26 sewer system on or after March 1, 2007.

1-27 SECTION 3. This Act takes effect immediately if it receives
1-28 a vote of two-thirds of all the members elected to each house, as
1-29 provided by Section 39, Article III, Texas Constitution. If this
1-30 Act does not receive the vote necessary for immediate effect, this
1-31 Act takes effect September 1, 2009.

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