

House Bill 1174
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Subchapter Z, Chapter 402, Local Government Code, is amended by adding Section 402.912 to read as follows:

Sec. 402.912. DAMAGES ARISING FROM SEWAGE BACKUP.

A municipality may 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 Chapter 101, Civil Practice and Remedies Code.

No equivalent provision.

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

SENATE VERSION

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

Sec. 552.912. CERTAIN DAMAGES CAUSED BY SEWAGE BACKUP.

(a) A municipality or a river authority, other than a river authority listed in Subsection (c), may pay actual property damages caused by the backup of the municipality's or river authority's sanitary sewer system regardless of whether the municipality or river authority would be liable for the damages under Chapter 101, Civil Practice and Remedies Code.

(b) This section does not waive governmental immunity from suit or liability.

(c) This section does not apply to the Trinity River Authority, the San Jacinto River Authority, the Sabine River Authority, or the Lower Neches Valley River Authority.

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

SECTION 3. Same as House version.

CONFERENCE

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necessary for immediate effect, this Act takes effect
September 1, 2009.

SENATE VERSION

CONFERENCE