

## **BILL ANALYSIS**

H.B. 1751  
By: Hartnett  
Natural Resources  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Several water control and improvement districts in Texas operate sanitary sewer systems. Interested parties observe that such a system may back up and cause property damage, but the provision of sewer services is a governmental function that provides a district immunity from suit or liability in such an event. Interested parties further observe that, recently, the legislature enabled certain municipalities and river authorities to pay for actual property damages caused by the backup of a municipality's or authority's sewer system. H.B. 1751 seeks to provide water control and improvement districts with such authority by establishing provisions relating to payment by a district for certain damages caused by the district's operation of a sanitary sewer system.

### **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. 1751 amends the Water Code to authorize a water control and improvement district to pay actual property damages caused by the backup of the district's sanitary sewer system regardless of whether the district would be liable for the damages under the Texas Tort Claims Act. The bill establishes that its provisions do not waive governmental immunity from suit or liability and makes its provisions applicable only to damages caused by the backup of a sanitary sewer system on or after September 1, 2011.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.