

## **BILL ANALYSIS**

Senate Research Center  
82R7508 KYF-F

H.B. 2007  
By: Shelton (Davis)  
Intergovernmental Relations  
4/27/2011  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, the Benbrook Water Authority (authority) is unable to pay for private property damage that is the result of a backup of the authority's sanitary sewer system. The authority wants the statutory ability to pay such damages regardless of whether it would be held liable for the damages. H.B. 2007 authorizes the authority to pay actual property damages caused by the backup of the authority's sanitary sewer system without waiving governmental immunity from suit or liability.

H.B. 2007 amends current law relating to payment by the Benbrook Water Authority for certain damages caused by the authority's operation of a sanitary sewer system.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 123, Acts of the 54th Legislature, Regular Session, 1955, by adding Section 5A, as follows:

Sec. 5A. CERTAIN DAMAGES CAUSED BY SEWAGE BACKUP. (a) Authorizes the Benbrook Water Authority (authority) to pay actual property damages caused by the backup of the authority's sanitary sewer system regardless of whether the authority would be liable for the damages under Chapter 101 (Tort Claims), Civil Practice and Remedies Code.

(b) Provides that this section does not waive governmental immunity from suit or liability.

SECTION 2. Provides that Section 5A, Chapter 123, Acts of the 54th Legislature, Regular Session, 1955, as added by this Act, applies only to damages caused by the backup of a sanitary sewer system on or after September 1, 2011.

SECTION 3. Effective date: upon passage or September 1, 2011.