

AN ACT

relating to the provision of water and certain equipment by water supply or sewer service corporations for use in fire suppression and the liability of those corporations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 67.0105, Water Code, is amended to read as follows:

Sec. 67.0105. ~~[CONTRACT FOR]~~ WATER FOR FIRE SUPPRESSION.

(a) A corporation may provide a water supply to a governmental entity or volunteer fire department for use in fire suppression.

(a-1) A corporation may enter into a contract with a governmental entity ~~[municipality]~~ or a volunteer fire department to supply water ~~[either]~~ to ~~[municipally owned]~~ fire hydrants owned by the governmental entity or the ~~[or to]~~ corporation ~~[fire hydrants]~~ for use in fire suppression by the governmental entity's ~~[municipality's]~~ fire department or a volunteer fire department. The contract must be under terms that are mutually beneficial to the contracting parties.

(b) The furnishing of a water supply and fire hydrant equipment by a governmental entity ~~[municipality]~~ or a volunteer fire department directly or through another entity by a lease, contract, or any other manner is an essential governmental function and not a proprietary function for all purposes, including the application of Chapter 101, Civil Practice and Remedies Code.

1 (c) A corporation that provides [~~contracts with~~] a
2 governmental entity [~~municipality~~] or volunteer fire department
3 with [~~to provide~~] a water supply or fire hydrant equipment to carry
4 out the governmental function described by Subsection (b) may be
5 liable for damages only to the extent that the governmental entity
6 [~~municipality~~] or volunteer fire department would be liable if the
7 governmental entity [~~municipality~~] or volunteer fire department
8 were performing the governmental function directly.

9 SECTION 2. Section 341.0358, Health and Safety Code, is
10 amended by adding Subsection (g) to read as follows:

11 (g) This section also applies to a municipality with a
12 population of more than 36,000 and less than 41,000 located in two
13 counties, one of which is a county with a population of more than
14 1.8 million.

15 SECTION 3. The change in law made by this Act applies only
16 to a cause of action that accrues on or after the effective date of
17 this Act. A cause of action that accrues before the effective date
18 of this Act is governed by the law in effect immediately before that
19 date, and that law is continued in effect for that purpose.

20 SECTION 4. This Act takes effect September 1, 2011.

H.B. No. 1814

President of the Senate

Speaker of the House

I certify that H.B. No. 1814 was passed by the House on April 14, 2011, by the following vote: Yeas 142, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1814 on May 21, 2011, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1814 was passed by the Senate, with amendments, on May 19, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor