

AN ACT

relating to payment by the Benbrook Water Authority for certain damages caused by the authority's operation of a sanitary sewer system.

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

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

Sec. 5A. CERTAIN DAMAGES CAUSED BY SEWAGE BACKUP. (a) The Authority may 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, Civil Practice and Remedies Code.

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

SECTION 2. 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. 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 necessary for immediate effect, this Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 2007 was passed by the House on April 7, 2011, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2007 was passed by the Senate on May 18, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor