

By: Watson
(Hartnett)

S.B. No. 1140

A BILL TO BE ENTITLED

AN ACT

1
2 relating to payment by a water control and improvement district for
3 certain damages caused by the district's operation of a sanitary
4 sewer system.

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

6 SECTION 1. Subchapter H, Chapter 51, Water Code, is amended
7 by adding Section 51.340 to read as follows:

8 Sec. 51.340. CERTAIN DAMAGES CAUSED BY SEWAGE BACKUP.

9 (a) A district may pay actual property damages caused by the
10 backup of the district's sanitary sewer system regardless of
11 whether the district would be liable for the damages under Chapter
12 101, Civil Practice and Remedies Code.

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

15 SECTION 2. Section 51.340, Water Code, as added by this Act,
16 applies only to damages caused by the backup of a sanitary sewer
17 system on or after September 1, 2011.

18 SECTION 3. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2011.