

1-1 By: Watson S.B. No. 1140
1-2 (In the Senate - Filed March 3, 2011; March 16, 2011, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 6, 2011, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 6, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to payment by a water control and improvement district for
1-9 certain damages caused by the district's operation of a sanitary
1-10 sewer system.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter H, Chapter 51, Water Code, is amended
1-13 by adding Section 51.340 to read as follows:

1-14 Sec. 51.340. CERTAIN DAMAGES CAUSED BY SEWAGE BACKUP.

1-15 (a) A district may pay actual property damages caused by the
1-16 backup of the district's sanitary sewer system regardless of
1-17 whether the district would be liable for the damages under Chapter
1-18 101, Civil Practice and Remedies Code.

1-19 (b) This section does not waive governmental immunity from
1-20 suit or liability.

1-21 SECTION 2. Section 51.340, Water Code, as added by this Act,
1-22 applies only to damages caused by the backup of a sanitary sewer
1-23 system on or after September 1, 2011.

1-24 SECTION 3. This Act takes effect immediately if it receives
1-25 a vote of two-thirds of all the members elected to each house, as
1-26 provided by Section 39, Article III, Texas Constitution. If this
1-27 Act does not receive the vote necessary for immediate effect, this
1-28 Act takes effect September 1, 2011.

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