

By: Davis

S.B. No. 1640

A BILL TO BE ENTITLED

1 AN ACT
2 relating to payment by the Benbrook Water Authority for certain
3 damages caused by the authority's operation of a sanitary sewer
4 system.

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

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

9 Sec. 5A. CERTAIN DAMAGES CAUSED BY SEWAGE BACKUP. (a) The
10 Authority may pay actual property damages caused by the backup of
11 the Authority's sanitary sewer system regardless of whether the
12 Authority would be liable for the damages under Chapter 101, Civil
13 Practice and Remedies Code.

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

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

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