

SENATE AMENDMENTS

2nd Printing

By: Lucio III

H.B. No. 1814

A BILL TO BE ENTITLED

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 [~~ex-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. The change in law made by this Act applies only
10 to a cause of action that accrues on or after the effective date of
11 this Act. A cause of action that accrues before the effective date
12 of this Act is governed by the law in effect immediately before that
13 date, and that law is continued in effect for that purpose.

14 SECTION 3. This Act takes effect September 1, 2011.

ADOPTED

MAY 19 2011

Atty. Gen.
Secretary of the Senate

By: LUCIO

H.B. No. 1814

Substitute the following for __.B. No. ____:

By: [Signature]

C.S. H.B. No. 1814

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

19 (b) The furnishing of a water supply and fire hydrant
20 equipment by a governmental entity [~~municipality~~] or a volunteer
21 fire department directly or through another entity by a lease,
22 contract, or any other manner is an essential governmental function
23 and not a proprietary function for all purposes, including the
24 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.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 19, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1814 by Lucio III (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.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend the Water Code to authorize a corporation to enter into a contract with a governmental entity to provide a water supply to a governmental entity or a volunteer fire department for use in fire suppression. A corporation that provides a water supply or fire hydrant equipment would be liable for damages only to the extent that a governmental entity would be liable.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, SD, SZ, TP

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 10, 2011

TO: Honorable Troy Fraser, Chair, Senate Committee on Natural Resources

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1814 by Lucio III (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.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Water Code to authorize a corporation to enter into a contract with a governmental entity to provide a water supply to a governmental entity or a volunteer fire department for use in fire suppression. A corporation that provides a water supply or fire hydrant equipment would be liable for damages only to the extent that a governmental entity would be liable.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, SZ, TP

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 21, 2011

TO: Honorable Troy Fraser, Chair, Senate Committee on Natural Resources

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1814 by Lucio III (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.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Water Code to authorize a corporation to enter into a contract with a governmental entity to provide a water supply to a governmental entity or a volunteer fire department for use in fire suppression. A corporation that provides a water supply or fire hydrant equipment would be liable for damages only to the extent that a governmental entity would be liable.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, SZ, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 1, 2011

TO: Honorable Allan Ritter, Chair, House Committee on Natural Resources

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1814 by Lucio III (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.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Water Code to authorize a corporation to enter into a contract with a governmental entity to provide a water supply to a governmental entity or a volunteer fire department for use in fire suppression. A corporation that provides a water supply or fire hydrant equipment would be liable for damages only to the extent that a governmental entity would be liable.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, SZ, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 25, 2011

TO: Honorable Allan Ritter, Chair, House Committee on Natural Resources

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1814 by Lucio III (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.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Water Code to authorize a corporation to enter into a contract with a municipality to provide a water supply to a municipality or a volunteer fire department for use in fire suppression. A corporation that provides a water supply or fire hydrant equipment would be liable for damages only to the extent that a municipality would be liable.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, SZ, TP