

House Bill 1814
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 ~~[or 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.

(c) A corporation that provides ~~[contracts with]~~ a governmental entity ~~[municipality]~~ or volunteer fire department with ~~[to provide]~~ a water supply or fire hydrant equipment to carry out the governmental function described by Subsection (b) may be liable for damages only to the extent that the governmental entity ~~[municipality]~~ or volunteer fire department would be liable if the governmental entity ~~[municipality]~~ or volunteer fire department were performing the governmental function directly.

SENATE VERSION (CS)

SECTION 1. Same as House version.

CONFERENCE

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No equivalent provision.

SECTION 2. The change in law made by this Act applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

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

SENATE VERSION (CS)

SECTION 2. Section 341.0358, Health and Safety Code, is amended by adding Subsection (g) to read as follows:

(g) This section also applies to a municipality with a population of more than 36,000 and less than 41,000 located in two counties, one of which is a county with a population of more than 1.8 million.

SECTION 3. Same as House version.

SECTION 4. Same as House version.

CONFERENCE