

BILL ANALYSIS

Senate Research Center
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S.B. 1140
By: Watson
Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In the normal course of operation of a sanitary sewer system, the system may backup and create property damage for the property owners who receive sewer service from the system. Some water control and improvement districts (WCIDs) across Texas operate sanitary sewer systems to provide sewer services for the residents and businesses within the service area of the WCIDs. The provision of sewer services is a governmental function, which gives a WCID immunity from suit or liability if the sewer system operated by the WCID experiences a backup.

In 2009, the legislature enacted H.B. 1174 to enable municipalities or river authorities to pay for the actual property damages caused by the backup of sewer systems operated by the municipalities or river authorities. S.B. 1140 would provide a WCID with the same authority to pay for actual property damages for the backup of a WCID's sewer systems and would not waive a WCID's governmental immunity from suit or liability.

As proposed, S.B. 1140 amends current law relating to payment by a water control and improvement district for certain damages caused by the district's operation of a sanitary sewer system.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter H, Chapter 51, Water Code, by adding Section 51.340, as follows:

Sec. 51.340. CERTAIN DAMAGES CAUSED BY SEWAGE BACKUP. (a) Authorizes a water control and improvement district (district) to pay actual property damages caused by the backup of the district's sanitary sewer system regardless of whether the district would be liable for the damages under Chapter 101 (Tort Claims), Civil Practice and Remedies Code.

(b) Provides that this section does not waive governmental immunity from suit or liability.

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

SECTION 3. Effective date: upon passage or September 1, 2011.