

SUBJECT: Payments for certain damages caused by a sanitary sewer system

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 11 ayes — Ritter, T. King, Beck, Creighton, Hopson, Keffer, Larson, Lucio, Martinez Fischer, D. Miller, Price
0 nays

WITNESSES: For — Ty Embrey, Benbrook Water Authority; (*Registered, but did not testify*: Mike Barnett, Texas Association of Realtors)
Against — None

BACKGROUND: Some water control and improvement districts (WCIDs) across Texas operate sanitary sewer systems to provide sewer services to the residents and businesses within that area. Currently, WCIDs are not authorized to reimburse for damages for which they do not hold liability. If a WCID reimbursed for damages, without liability, that reimbursement could be considered a gift.

DIGEST: HB 1751 would authorize a WCID to pay for actual property damages caused by the backup of the district's sanitary sewer system, regardless of whether the district was liable.

The bill would not waive governmental immunity from suit or liability.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011.

NOTES: The companion bill, SB 1140 by Watson, passed the Senate by 31-0 on the Local and Uncontested Calendar on April 14 and was reported favorably, without amendment, on May 3 and recommended for the Local and Consent Calendar.