

BILL ANALYSIS

Senate Research Center

H.B. 1217
By: Gutierrez (Lucio)
Intergovernmental Relations
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Engrossed

DIGEST

Currently, there is no state law that allows a municipality to contract with a water supply corporation for fire hydrant service. Certification requirements under the Water Code may limit expansion of city water systems to outlying areas, and the costs involved in extending water lines may be prohibitive. H.B. 1217 would allow a municipality to contract with a water supply corporation for fire hydrant service.

PURPOSE

As proposed, H.B. 1217 outlines provisions regarding contracts for fire hydrant service made with a water supply and sewer service corporation.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2, Article 1434a, V.T.C.S., by adding Subsections (e) and (f), to authorize a municipality or a volunteer fire department to contract with a water supply corporation to supply water or fire hydrants to facilitate fire suppression by the municipal fire department or volunteer fire department. Requires a contract made under this section to be on terms that are beneficial to all parties to the contract. Provides that for all purposes, including the application of Chapter 101, Civil Practice and Remedies Code, an action a municipality or volunteer fire department takes to provide water or equipment for fire hydrants through a lease, contract, or other method is an essential governmental function and is not a proprietary function. Prohibits a water supply corporation that supplies water or equipment under a contract made with a municipality or volunteer fire department under Subsection (e) of this section from being held liable for damages that arise from those actions to an extent greater than the municipality or volunteer fire department may be held liable if the municipality or volunteer fire department supplied the water or equipment directly.

SECTION 2. Emergency clause.
Effective date: upon passage.