

## **BILL ANALYSIS**

Senate Research Center

S.B. 859  
By: Lucio  
Intergovernmental Relations  
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As Filed

### **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 to expansion of city water systems to outlying areas, and the costs involved in extending water lines may be prohibitive. This bill allows a municipality to contract with a water supply corporation for fire hydrant service.

### **PURPOSE**

As proposed, S.B. 859 allows a municipality to contract with a water supply corporation for fire hydrant service.

### **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 1434a, V.T.C.S., by adding Subsections (e) and (f), to authorize water and sewer service corporations to enter into a contract with a municipality or a volunteer fire department and to supply water to fire hydrants for the purposes of fire suppression by the municipality's fire department or a volunteer fire department. Requires the contract to be under terms and conditions mutually beneficial to the contracting parties. Provides that the furnishing of a water supply and fire hydrant equipment by a municipality or a volunteer fire department directly or through another entity by a lease, contract or another manner is an essential governmental function and not a proprietary function for all purposes. Provides that a water supply and sewer service corporation that contracts with a municipality or volunteer fire department provides a service that is an essential governmental function and limits the liability of the corporation to the extent the municipality or fire department would be liable if the municipality or fire department were performing such functions.

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