

## **BILL ANALYSIS**

Senate Research Center  
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H.B. 278  
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State Affairs  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Interested parties note that private companies are relocating to Texas to research, develop, and launch commercial space flights and that some local governments are partnering with these commercial space flight companies in an effort to diversify economic development. Under current law, a municipality is liable only to the extent permitted under the Texas Tort Claims Act when engaged in a governmental function, a term that includes airports. However, that Act does not expressly include a municipal airport used for space flight activities as a governmental function. H.B. 278 seeks to promote the development of a commercial space launch industry in Texas by addressing municipal liability under the Texas Tort Claims Act.

H.B. 278 amends current law relating to the liability of a municipality for certain space flight activities.

### **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 Section 101.0215(a), Civil Practice and Remedies Code, as follows:

(a) Adds airports, including when used for space flight activities as defined by Section 100A.001 (Definitions) and enforcement of land use restrictions under Subchapter E (Moratorium on Property Development in Certain Circumstances), Chapter 212, Local Government Code, rather than Subchapter A (Regulation of Subdivisions), Chapter 230 (Miscellaneous Regulatory Authority of Municipalities [redesignated]), Local Government Code, to the list of certain functions for which a municipality is liable under this chapter for damages arising from its governmental functions.

SECTION 2. Amends Section 101.0211, Civil Practice and Remedies Code, as follows:

Sec. 101.0211. NO LIABILITY FOR JOINT ENTERPRISE. (a) Creates this subsection from existing text. Provides that the common law doctrine of vicarious liability because of participation in a joint enterprise does not impose liability for a claim brought under this chapter on a certain water district or a municipality with respect to the use of a municipal airport for space flight activities as defined by Section 100A.001 unless the municipality would otherwise be liable under Section 101.021 (Governmental Liability). Makes nonsubstantive changes.

(b) Provides that this section does not affect a limitation on liability or damages provided by this chapter, including a limitation under Section 101.023 (Limitation On Amount of Liability).

SECTION 3. Makes application of the change in law made by this Act prospective.

SECTION 4. Effective date: September 1, 2013.