

By: Craddick

H.B. No. 64

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the liability of and the validation of certain acts of  
3 the Midland County Fresh Water Supply District No. 1.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subtitle B, Title 6, Special District Local Laws  
6 Code, is amended by adding Chapter 6909 to read as follows:

7 CHAPTER 6909. MIDLAND COUNTY FRESH WATER SUPPLY DISTRICT NO. 1

8 SUBCHAPTER A. GENERAL PROVISIONS

9 Sec. 6909.001. DEFINITIONS. In this chapter:

10 (1) "Board" means the district's board of supervisors.

11 (2) "District" means the Midland County Fresh Water  
12 Supply District No. 1.

13 (3) "Supervisor" means a board member.

14 Sec. 6909.002. TORT LIABILITY. (a) The district is a  
15 governmental unit under Chapter 101, Civil Practice and Remedies  
16 Code, and the operations of the district are essential government  
17 functions and are not proprietary functions for any purpose,  
18 including the application of that chapter.

19 (b) The district, a supervisor, or a district employee is  
20 not liable for damages arising out of the performance of a  
21 governmental function of the district, except as provided by  
22 Chapter 101, Civil Practice and Remedies Code.

23 Sec. 6909.003. NO LIABILITY FOR JOINT ENTERPRISE. The  
24 common law doctrine of vicarious liability because of participation

1 in a joint enterprise does not impose liability on the district or a  
2 municipality that contracts with the district for a claim brought  
3 under Chapter 101, Civil Practice and Remedies Code.

4 Sec. 6909.004. MANDATORY VENUE. Venue for an action  
5 brought against the district is in Midland County.

6 SECTION 2. (a) All governmental and proprietary actions  
7 and proceedings of the Midland County Fresh Water Supply District  
8 No. 1 taken before the effective date of this Act relating to the  
9 selection of the district as the developer of the T-Bar Ranch water  
10 supply and the associated construction necessary for delivery of  
11 water from the T-Bar Ranch to the City of Midland are validated,  
12 ratified, and confirmed in all respects as of the dates on which  
13 they occurred.

14 (b) All agreements between the Midland County Fresh Water  
15 Supply District No. 1 and the City of Midland are validated as of  
16 the dates on which they occurred.

17 (c) All revenue refunding bonds, revenue notes, or other  
18 obligations issued by the district are validated as of the dates on  
19 which they were issued.

20 (d) This section does not apply to any matter that on the  
21 effective date of this Act:

22 (1) is involved in litigation if the litigation  
23 ultimately results in the matter being held invalid by a final court  
24 judgment; or

25 (2) has been held invalid by a final court judgment.

26 SECTION 3. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2013.