

By: Craddick

H.B. No. 64

Substitute the following for H.B. No. 64:

By: Stickland

C.S.H.B. No. 64

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 6909.001. DEFINITIONS. In this chapter:

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

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

(3) "Supervisor" means a board member.

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

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

Sec. 6909.003. NO LIABILITY FOR JOINT ENTERPRISE. The 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.