

By: Craddick

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 directors.

(2) "Director" means a board member.

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

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 director, 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 are validated,
9 ratified, and confirmed in all respects as of the dates on which
10 they occurred.

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

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

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

19 (1) is involved in litigation if the litigation
20 ultimately results in the matter being held invalid by a final court
21 judgment; or

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

23 SECTION 3. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2013.