

1-1 By: Craddick (Senate Sponsor - Seliger) H.B. No. 64
 1-2 (In the Senate - Received from the House April 22, 2013;
 1-3 April 24, 2013, read first time and referred to Committee on
 1-4 Intergovernmental Relations; May 10, 2013, reported favorably by
 1-5 the following vote: Yeas 5, Nays 0; May 10, 2013, sent to
 1-6 printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			

1-14 A BILL TO BE ENTITLED
 1-15 AN ACT

1-16 relating to the liability of and the validation of certain acts of
 1-17 the Midland County Fresh Water Supply District No. 1.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Subtitle B, Title 6, Special District Local Laws
 1-20 Code, is amended by adding Chapter 6909 to read as follows:

1-21 CHAPTER 6909. MIDLAND COUNTY FRESH WATER SUPPLY DISTRICT NO. 1

1-22 SUBCHAPTER A. GENERAL PROVISIONS

1-23 Sec. 6909.001. DEFINITIONS. In this chapter:

1-24 (1) "Board" means the district's board of supervisors.

1-25 (2) "District" means the Midland County Fresh Water
 1-26 Supply District No. 1.

1-27 (3) "Supervisor" means a board member.

1-28 Sec. 6909.002. TORT LIABILITY. (a) The district is a
 1-29 governmental unit under Chapter 101, Civil Practice and Remedies
 1-30 Code, and the operations of the district are essential government
 1-31 functions and are not proprietary functions for any purpose,
 1-32 including the application of that chapter.

1-33 (b) The district, a supervisor, or a district employee is
 1-34 not liable for damages arising out of the performance of a
 1-35 governmental function of the district, except as provided by
 1-36 Chapter 101, Civil Practice and Remedies Code.

1-37 Sec. 6909.003. NO LIABILITY FOR JOINT ENTERPRISE. The
 1-38 common law doctrine of vicarious liability because of participation
 1-39 in a joint enterprise does not impose liability on the district or a
 1-40 municipality that contracts with the district for a claim brought
 1-41 under Chapter 101, Civil Practice and Remedies Code.

1-42 Sec. 6909.004. MANDATORY VENUE. Venue for an action
 1-43 brought against the district is in Midland County.

1-44 SECTION 2. (a) All governmental and proprietary actions
 1-45 and proceedings of the Midland County Fresh Water Supply District
 1-46 No. 1 taken before the effective date of this Act relating to the
 1-47 selection of the district as the developer of the T-Bar Ranch water
 1-48 supply and the associated construction necessary for delivery of
 1-49 water from the T-Bar Ranch to the City of Midland are validated,
 1-50 ratified, and confirmed in all respects as of the dates on which
 1-51 they occurred.

1-52 (b) All agreements between the Midland County Fresh Water
 1-53 Supply District No. 1 and the City of Midland are validated as of
 1-54 the dates on which they occurred.

1-55 (c) All revenue refunding bonds, revenue notes, or other
 1-56 obligations issued by the district are validated as of the dates on
 1-57 which they were issued.

1-58 (d) This section does not apply to any matter that on the
 1-59 effective date of this Act:

1-60 (1) is involved in litigation if the litigation
 1-61 ultimately results in the matter being held invalid by a final court

2-1 judgment; or
2-2 (2) has been held invalid by a final court judgment.
2-3 SECTION 3. This Act takes effect immediately if it receives
2-4 a vote of two-thirds of all the members elected to each house, as
2-5 provided by Section 39, Article III, Texas Constitution. If this
2-6 Act does not receive the vote necessary for immediate effect, this
2-7 Act takes effect September 1, 2013.

2-8 * * * * *