

SENATE AMENDMENTS

2nd Printing

By: Miller, Bonnen of Galveston, Zerwas,
Thompson of Harris, Fallon, et al.

H.B. No. 931

A BILL TO BE ENTITLED

1 AN ACT
2 relating to liability of certain electric utilities and political
3 subdivisions that contract for certain uses of land that the
4 electric utility owns, occupies, or leases.

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

6 SECTION 1. Section 75.0022(h), Civil Practice and Remedies
7 Code, is amended to read as follows:

8 (h) A written agreement entered into under this section may
9 require the political subdivision to provide or pay for:

10 (1) insurance coverage for any defense costs or other
11 litigation costs incurred by the electric utility for damage claims
12 under this section; and

13 (2) costs incurred by the electric utility in entering
14 the agreement under this section, including reimbursement for
15 maintenance or removal of facilities and additional taxes, fees,
16 and other costs incurred by the electric utility.

17 SECTION 2. Section 75.007(e), Civil Practice and Remedies
18 Code, is amended to read as follows:

19 (e) This section does not affect Section 75.001, 75.002,
20 [~~75.0021,~~] 75.003, or 75.004 or create or increase the liability of
21 any person.

22 SECTION 3. Subchapter B, Chapter 101, Civil Practice and
23 Remedies Code, is amended by adding Section 101.030 to read as
24 follows:

1 Sec. 101.030. LIABILITY OF POLITICAL SUBDIVISION IN
2 AGREEMENT WITH ELECTRIC UTILITY. (a) This chapter applies to a
3 political subdivision that enters into a written agreement with an
4 electric utility for public access to and use of the premises of the
5 electric utility as provided by Section 75.0022.

6 (b) Liability of a political subdivision that arises from
7 the use of property that is subject to an agreement under Section
8 75.0022 is limited, as justice and equity may require, to an amount
9 not to exceed:

10 (1) \$350,000 for each person;

11 (2) \$700,000 for each single occurrence for bodily
12 injury or death;

13 (3) \$100,000 for each single occurrence for injury to
14 or destruction of property;

15 (4) court costs;

16 (5) reasonable attorney's fees; and

17 (6) any other expense incurred in filing a cause of
18 action against a political subdivision under this section.

19 SECTION 4. Sections 75.0021 and 75.0022(b), Civil Practice
20 and Remedies Code, are repealed.

21 SECTION 5. (a) The change in law made by this Act applies
22 only to a cause of action that accrues on or after the effective
23 date of this Act. A cause of action that accrues before the
24 effective date of this Act is governed by the law applicable to the
25 cause of action immediately before that date, and that law is
26 continued in effect for that purpose.

27 (b) The change in law made by this Act to Section

1 75.0022(h), Civil Practice and Remedies Code, does not apply to an
2 agreement entered into between an electric utility and a political
3 subdivision before the effective date of this Act.

4 SECTION 6. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2017.

ADOPTED

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FLOOR AMENDMENT NO. 1

MAY 23 2017

BY: Larry Taylor

Letae Spaw
Secretary of the Senate

- 1 Amend H.B. No 931 (senate committee report) as follows:
- 2 (1) Strike SECTION 1 of the bill (page 1, lines 23-33).
- 3 (2) Strike SECTION 3 of the bill (page 1, lines 39-59).
- 4 (3) In SECTION 5 of the bill (page 2, line 1), strike
- 5 "(a)".
- 6 (4) In SECTION 5 of the bill, strike Subsection (b) (page
- 7 2, lines 7-10).
- 8 (5) Renumber SECTIONS of the bill appropriately.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 24, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB931 by Miller (Relating to liability of certain electric utilities and political subdivisions that contract for certain uses of land that the electric utility owns, occupies, or leases.), **As Passed 2nd House**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Civil Practice and Remedies Code relating to liability of certain electric utilities and political subdivisions that contract for certain uses of land that the electric utility owns, occupies, or leases.

Based on the analysis of the Public Utility Commission and the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

According to the Texas Municipal League, the fiscal implications of the bill to local government cannot be determined at this time, though it could result in a negative impact.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 473 Public Utility Commission of Texas

LBB Staff: UP, AO, CL, AG, EH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 12, 2017

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB931 by Miller (Relating to liability of certain electric utilities and political subdivisions that contract for certain uses of land that the electric utility owns, occupies, or leases.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code relating to liability of certain electric utilities and political subdivisions that contract for certain uses of land that the electric utility owns, occupies, or leases. The bill requires that, should an electric utility enter into an agreement with a political subdivision to allow public access to and use of the premises of the electric utility, the political subdivision may pay for any resulting costs incurred by the utility.

Based on the analysis of the Public Utility Commission and the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

According to the Texas Municipal League, the fiscal implications of the bill to local government cannot be determined at this time, though it could result in a negative impact.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 473 Public Utility Commission of Texas

LBB Staff: UP, CL, AO, AG, EH

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 28, 2017

TO: Honorable Byron Cook, Chair, House Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB931 by Miller (Relating to liability of certain electric utilities and political subdivisions that contract for certain uses of land that the electric utility owns, occupies, or leases.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code relating to liability of certain electric utilities and political subdivisions that contract for certain uses of land that the electric utility owns, occupies, or leases. The bill requires that, should an electric utility enter into an agreement with a political subdivision to allow public access to and use of the premises of the electric utility, the political subdivision may pay for any resulting costs incurred by the utility.

Based on the analysis of the Public Utility Commission and the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

According to the Texas Municipal League, the fiscal implications of the bill to local government cannot be determined at this time, though it could result in a negative impact.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 473 Public Utility Commission of Texas

LBB Staff: UP, AG, EH, AO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 21, 2017

TO: Honorable Byron Cook, Chair, House Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB931 by Miller (Relating to liability of certain electric utilities that allow certain uses of land that the electric utility owns, occupies, or leases.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code relating to liability of certain electric utilities that allow certain uses of land that the electric utility owns, occupies, or leases. Based on analysis of the Public Utility Commission of Texas, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

The fiscal implications of the bill cannot be determined at this time

Source Agencies: 473 Public Utility Commission of Texas

LBB Staff: UP, AG, EH, AO, JGA