

1-1 By: Alvarado S.B. No. 1575
 1-2 (In the Senate - Filed March 5, 2019; March 14, 2019, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 3, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 0; April 3, 2019,
 1-6 sent to 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	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1575 By: Nelson

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to governmental immunity for and adjudication of claims
 1-22 arising from a local governmental entity's disaster recovery
 1-23 contract.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Title 5, Civil Practice and Remedies Code, is
 1-26 amended by adding Chapter 115 to read as follows:

1-27 CHAPTER 115. MUNICIPAL LIABILITY

1-28 Sec. 115.0001. DISASTER RECOVERY AS GOVERNMENTAL FUNCTION.

1-29 (a) A municipality performs a governmental function if, after a
 1-30 declaration of a disaster under Section 418.014, Government Code,
 1-31 the municipality enters into a contract for a purpose related to
 1-32 disaster recovery or takes an action under that contract.

1-33 (b) A municipality has governmental immunity to suit and
 1-34 from liability for a cause of action arising from a governmental
 1-35 function described by this section.

1-36 SECTION 2. Subchapter I, Chapter 271, Local Government
 1-37 Code, is amended by adding Section 271.1515 to read as follows:

1-38 Sec. 271.1515. APPLICABILITY OF SUBCHAPTER. This
 1-39 subchapter does not apply to a contract with a local governmental
 1-40 entity that:

1-41 (1) arises from a declaration of a disaster under
 1-42 Section 418.014, Government Code; and

1-43 (2) primarily spends state or federal funds on goods
 1-44 and services that:

1-45 (A) benefit private citizens or private property
 1-46 located in the entity in recovering from the disaster; and

1-47 (B) do not benefit the entity.

1-48 SECTION 3. Section 115.0001, Civil Practice and Remedies
 1-49 Code, as added by this Act, and Section 271.1515, Local Government
 1-50 Code, as added by this Act, apply only to a contract entered into or
 1-51 action taken under the contract on or after the effective date of
 1-52 this Act.

1-53 SECTION 4. This Act takes effect immediately if it receives
 1-54 a vote of two-thirds of all the members elected to each house, as
 1-55 provided by Section 39, Article III, Texas Constitution. If this
 1-56 Act does not receive the vote necessary for immediate effect, this
 1-57 Act takes effect September 1, 2019.

1-58 * * * * *