

1-1 By: Miller, et al. (Senate Sponsor - Kolkhorst) H.B. No. 931
 1-2 (In the Senate - Received from the House May 12, 2017;
 1-3 May 12, 2017, read first time and referred to Committee on Business
 1-4 & Commerce; May 17, 2017, reported favorably by the following vote:
 1-5 Yeas 8, Nays 0; May 17, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hancock	X			
1-8 Creighton	X			
1-9 Campbell	X			
1-10 Estes	X			
1-11 Nichols	X			
1-12 Schwertner	X			
1-13 Taylor of Galveston			X	
1-14 Whitmire	X			
1-15 Zaffirini	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to liability of certain electric utilities and political
 1-20 subdivisions that contract for certain uses of land that the
 1-21 electric utility owns, occupies, or leases.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 75.0022(h), Civil Practice and Remedies
 1-24 Code, is amended to read as follows:

1-25 (h) A written agreement entered into under this section may
 1-26 require the political subdivision to provide or pay for:

1-27 (1) insurance coverage for any defense costs or other
 1-28 litigation costs incurred by the electric utility for damage claims
 1-29 under this section; and

1-30 (2) costs incurred by the electric utility in entering
 1-31 the agreement under this section, including reimbursement for
 1-32 maintenance or removal of facilities and additional taxes, fees,
 1-33 and other costs incurred by the electric utility.

1-34 SECTION 2. Section 75.007(e), Civil Practice and Remedies
 1-35 Code, is amended to read as follows:

1-36 (e) This section does not affect Section 75.001, 75.002,
 1-37 ~~75.0021,~~ 75.003, or 75.004 or create or increase the liability of
 1-38 any person.

1-39 SECTION 3. Subchapter B, Chapter 101, Civil Practice and
 1-40 Remedies Code, is amended by adding Section 101.030 to read as
 1-41 follows:

1-42 Sec. 101.030. LIABILITY OF POLITICAL SUBDIVISION IN
 1-43 AGREEMENT WITH ELECTRIC UTILITY. (a) This chapter applies to a
 1-44 political subdivision that enters into a written agreement with an
 1-45 electric utility for public access to and use of the premises of the
 1-46 electric utility as provided by Section 75.0022.

1-47 (b) Liability of a political subdivision that arises from
 1-48 the use of property that is subject to an agreement under Section
 1-49 75.0022 is limited, as justice and equity may require, to an amount
 1-50 not to exceed:

1-51 (1) \$350,000 for each person;

1-52 (2) \$700,000 for each single occurrence for bodily
 1-53 injury or death;

1-54 (3) \$100,000 for each single occurrence for injury to
 1-55 or destruction of property;

1-56 (4) court costs;

1-57 (5) reasonable attorney's fees; and

1-58 (6) any other expense incurred in filing a cause of
 1-59 action against a political subdivision under this section.

1-60 SECTION 4. Sections 75.0021 and 75.0022(b), Civil Practice
 1-61 and Remedies Code, are repealed.

2-1 SECTION 5. (a) The change in law made by this Act applies
2-2 only to a cause of action that accrues on or after the effective
2-3 date of this Act. A cause of action that accrues before the
2-4 effective date of this Act is governed by the law applicable to the
2-5 cause of action immediately before that date, and that law is
2-6 continued in effect for that purpose.

2-7 (b) The change in law made by this Act to Section
2-8 75.0022(h), Civil Practice and Remedies Code, does not apply to an
2-9 agreement entered into between an electric utility and a political
2-10 subdivision before the effective date of this Act.

2-11 SECTION 6. This Act takes effect immediately if it receives
2-12 a vote of two-thirds of all the members elected to each house, as
2-13 provided by Section 39, Article III, Texas Constitution. If this
2-14 Act does not receive the vote necessary for immediate effect, this
2-15 Act takes effect September 1, 2017.

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