

BILL ANALYSIS

Senate Research Center
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S.B. 267
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State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The City of Midland has an economic development contract with XCOR, a private space flight company, and has invested \$2 million, with a possibility of an additional investment of up to \$10 million total. This bill will limit the Midland Airport's liability under Section 101.0215 (relating to a municipality's liability for damages), Civil Practices and Remedies Code. The space flight activities under the current law relating to airports could be interpreted as ultra-hazardous, so this bill will amend the code to incorporate all space flight activities.

As proposed, S.B. 267 amends current law relating to the liability of a municipality for certain space flight activities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 101.0215(a), Civil Practice and Remedies Code, as follows:

(a) Adds airports, including when used for space flight activities as described by Section 100A.001 (Definitions) and enforcement of land use restrictions under Subchapter E (Moratorium on Property Development in Certain Circumstances), Chapter 212, Local Government Code, rather than Subchapter A (Regulation of Subdivisions), Chapter 212, Local Government Code, to the list of certain functions for which a municipality is liable under this chapter for damages arising from its governmental functions.

SECTION 2. Amends Section 101.0211, Civil Practice and Remedies Code, as follows:

Sec. 101.0211. NO LIABILITY FOR JOINT ENTERPRISE. Provides that the common law doctrine of vicarious liability because of participation in a joint enterprise, does not impose liability for a claim brought under this chapter on a certain water district or a municipality with respect to the use of a municipal airport for space flight activities as defined by Section 100A.001 (Definitions). Makes nonsubstantive changes.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2013.