

By: Duncan, Fraser

S.B. No. 1613

A BILL TO BE ENTITLED

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AN ACT

relating to the liability and indemnification of directors of soil and water conservation districts.

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

SECTION 1. Chapter 104, Civil Practice and Remedies Code, is amended by adding Section 104.0021 to read as follows:

Sec. 104.0021. STATE LIABILITY: SOIL AND WATER CONSERVATION DISTRICTS. (a) In a cause of action based on conduct described by Section 104.002(a), the State Soil and Water Conservation Board shall indemnify a director of a soil and water conservation district for actual damages, court costs, and attorney's fees adjudged against the director without regard to whether the director performed the director's services for compensation.

(b) For the purposes of Section 104.002(a), an act or omission by a director of a soil and water conservation district in the course and scope of the person's position as a director of the district is considered an act or omission by the director in the course and scope of the person's office, employment, or contractual performance for or service on behalf of the State Soil and Water Conservation Board.

(c) In addition to liability for indemnification under Subsection (a), the State Soil and Water Conservation Board shall indemnify a director of a soil and water conservation district as

1 provided by Section 104.0035. For the purposes of that section, the
2 director of the district is considered a person covered by Section
3 104.001.

4 (d) The attorney general shall defend a director of a soil
5 and water conservation district in a cause of action covered by this
6 section. Sections 104.004(b) and (c) apply to representation by
7 the attorney general under this subsection.

8 SECTION 2. Subdivision (1), Section 108.001, Civil Practice
9 and Remedies Code, is amended to read as follows:

10 (1) "Public servant" means a person who is:

11 (A) a public official elected or appointed to
12 serve a governmental unit and acting in that capacity when the act
13 or omission on which the damages were based occurred; or

14 (B) covered by Section 104.001, 104.0021, or
15 [~~Section~~] 102.001.

16 SECTION 3. The change in law made by this Act applies only
17 to a cause of action that accrues on or after the effective date of
18 this Act. A cause of action that accrues before the effective date
19 of this Act is governed by the law in effect immediately before the
20 effective date of this Act, and that law is continued in effect for
21 that purpose.

22 SECTION 4. This Act takes effect September 1, 2007.