

By: Duncan, Fraser

S.B. No. 1613

A BILL TO BE ENTITLED

AN ACT

relating to the immunity from individual liability of directors of soil and water conservation districts.

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

SECTION 1. Chapter 201, Subchapter C, Agriculture Code, is amended to add Section 201.0751 as follows:

Sec. 201.0751. INDIVIDUAL LIABILITY OF DIRECTORS. (a) A director is not individually liable for any act that is incident to or within the scope of duties of the director's position and that involves the exercise of judgment or discretion on the part of the director.

(b) If a suit is filed against a director in their individual capacity based on conduct within the scope of that director's position, the suit is considered to be against the director in the director's official capacity only. On the director's motion, the suit against the director shall be dismissed unless the plaintiff files amended pleadings dismissing the director and naming the district as defendant on or before the 30th day after the date the motion is filed.

SECTION 2. IMMEDIATE EFFECTIVE DATE. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.