

1-1 By: Duncan, Fraser S.B. No. 1613
1-2 (In the Senate - Filed March 8, 2007; March 21, 2007, read
1-3 first time and referred to Committee on State Affairs; May 2, 2007,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 9, Nays 0; May 2, 2007, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 1613 By: Duncan

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the liability and indemnification of directors of soil
1-10 and water conservation districts.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Chapter 104, Civil Practice and Remedies Code,
1-13 is amended by adding Section 104.0021 to read as follows:

1-14 Sec. 104.0021. STATE LIABILITY: SOIL AND WATER CONSERVATION
1-15 DISTRICTS. (a) In a cause of action based on conduct described by
1-16 Section 104.002(a), the State Soil and Water Conservation Board
1-17 shall indemnify a director of a soil and water conservation
1-18 district for actual damages, court costs, and attorney's fees
1-19 adjudged against the director without regard to whether the
1-20 director performed the director's services for compensation.

1-21 (b) For the purposes of Section 104.002(a), an act or
1-22 omission by a director of a soil and water conservation district in
1-23 the course and scope of the person's position as a director of the
1-24 district is considered an act or omission by the director in the
1-25 course and scope of the person's office, employment, or contractual
1-26 performance for or service on behalf of the State Soil and Water
1-27 Conservation Board.

1-28 (c) In addition to liability for indemnification under
1-29 Subsection (a), the State Soil and Water Conservation Board shall
1-30 indemnify a director of a soil and water conservation district as
1-31 provided by Section 104.0035. For the purposes of that section, the
1-32 director of the district is considered a person covered by Section
1-33 104.001.

1-34 (d) The attorney general shall defend a director of a soil
1-35 and water conservation district in a cause of action covered by this
1-36 section. Sections 104.004(b) and (c) apply to representation by
1-37 the attorney general under this subsection.

1-38 SECTION 2. Subdivision (1), Section 108.001, Civil Practice
1-39 and Remedies Code, is amended to read as follows:

1-40 (1) "Public servant" means a person who is:

1-41 (A) a public official elected or appointed to
1-42 serve a governmental unit and acting in that capacity when the act
1-43 or omission on which the damages were based occurred; or

1-44 (B) covered by Section 104.001, 104.0021, or
1-45 [~~Section~~] 102.001.

1-46 SECTION 3. The change in law made by this Act applies only
1-47 to a cause of action that accrues on or after the effective date of
1-48 this Act. A cause of action that accrues before the effective date
1-49 of this Act is governed by the law in effect immediately before the
1-50 effective date of this Act, and that law is continued in effect for
1-51 that purpose.

1-52 SECTION 4. This Act takes effect September 1, 2007.

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