

SENATE AMENDMENTS

2nd Printing

By: Cyrier, Isaac

H.B. No. 3163

A BILL TO BE ENTITLED

1 AN ACT

2 relating to civil suits filed against board members of a
3 groundwater conservation district and the liability of a member for
4 certain actions taken by the board.

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

6 SECTION 1. Section 36.060, Water Code, is amended by adding
7 Subsection (e) to read as follows:

8 (e) For liability purposes only, a director is considered a
9 district employee under Chapter 101, Civil Practice and Remedies
10 Code, even if the director does not receive fees of office
11 voluntarily, by district policy, or through a statutory exception
12 to this section.

13 SECTION 2. Section 36.066(a), Water Code, is amended to
14 read as follows:

15 (a) A district may sue and be sued in the courts of this
16 state in the name of the district by and through its board. A
17 district board member is immune from suit and immune from liability
18 for official votes and official actions. All courts shall take
19 judicial notice of the creation of the district and of its
20 boundaries.

21 SECTION 3. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this

H.B. No. 3163

1 Act takes effect September 1, 2015.

ADOPTED

MAY 27 2015

Atkey Spaw
Secretary of the Senate

By: Watson

H.B. No. 3163

Substitute the following for H.B. No. 3163:

By: [Signature]

C.S. H.B. No. 3163

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7 Subsection (e) to read as follows:

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10 Code, even if the director does not receive fees of office
11 voluntarily, by district policy, or through a statutory exception
12 to this section.

13 SECTION 2. Section 36.066(a), Water Code, is amended to
14 read as follows:

15 (a) A district may sue and be sued in the courts of this
16 state in the name of the district by and through its board. A
17 district board member is immune from suit and immune from liability
18 for official votes and official actions. To the extent an official
19 vote or official action conforms to laws relating to conflicts of
20 interest, abuse of office, or constitutional obligations, this
21 subsection provides immunity for those actions. All courts shall
22 take judicial notice of the creation of the district and of its
23 boundaries.

24 SECTION 3. This Act takes effect immediately if it receives

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2015.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 28, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3163 by Cyrrier (Relating to civil suits filed against board members of a groundwater conservation district and the liability of a member for certain actions taken by the board.),
As Passed 2nd House

No fiscal implication to the State is anticipated.

The bill would amend the Water Code to specify a director of a groundwater conservation district is considered a district employee under Chapter 101, Civil Practice and Remedies Code. Under the provisions of the bill, a groundwater conservation district board member is immune from suit and from liability for official votes and official actions.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, AG, SZ, SD, EK

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 22, 2015

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3163 by Cyrier (Relating to civil suits filed against board members of a groundwater conservation district and the liability of a member for certain actions taken by the board.),
Committee Report 2nd House, Substituted

No fiscal implication to the State is anticipated.

The bill would amend the Water Code to specify a director of a groundwater conservation district is considered a district employee under Chapter 101, Civil Practice and Remedies Code. Under the provisions of the bill, a groundwater conservation district board member is immune from suit and from liability for official votes and official actions.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, AG, SZ, SD, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 20, 2015

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3163 by Cyrier (Relating to civil suits filed against board members of a groundwater conservation district and the liability of a member for certain actions taken by the board.),
As Engrossed

<p>No fiscal implication to the State is anticipated.</p>
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The bill would amend the Water Code to specify a director of a groundwater conservation district is considered a district employee under Chapter 101, Civil Practice and Remedies Code. Under the provisions of the bill, a groundwater conservation district board member is immune from suit and from liability for official votes and official actions.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Clearwater Underground Water Conservation District reported no fiscal impact is anticipated.

Source Agencies:

LBB Staff: UP, AG, SZ, SD, EK

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 6, 2015

TO: Honorable Jim Keffer, Chair, House Committee on Natural Resources

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB3163** by Cyrier (relating to civil suits filed against board members of a groundwater conservation district and the liability of a member for certain actions taken by the board.),
Committee Report 1st House, Substituted

No fiscal implication to the State is anticipated.

The bill would amend the Water Code to specify a director of a groundwater conservation district is considered a district employee under Chapter 101, Civil Practice and Remedies Code. Under the provisions of the bill, a groundwater conservation district board member is immune from suit and from liability for official votes and official actions.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Clearwater Underground Water Conservation District reported no fiscal impact is anticipated.

Source Agencies:

LBB Staff: UP, SZ, SD, EK

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 28, 2015

TO: Honorable Jim Keffer, Chair, House Committee on Natural Resources

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3163 by Cyrier (Relating to filing suit against board members of groundwater conservation districts.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Water Code to specify a groundwater conservation district board member acting in the individual's capacity is immune from suit and liability for actions taken on behalf of the board. Under the provisions of the bill, an attempt to bring suit against an individual district board member for actions taken on behalf of the board or for an official vote would be constituted as coercion of a public official as defined in Section 36.03, Texas Penal Code.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Clearwater Underground Water Conservation District reported no fiscal impact is anticipated.

Central Texas Groundwater Conservation District reported the district could have savings from the bill as it would no longer be necessary to protect members from lawsuits.

Source Agencies:

LBB Staff: UP, SZ, SD, EK