

By: Parker

H.B. No. 3548

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the applicability of certain immunity and liability  
3 laws to the nonprofit corporation established by the Texas Public  
4 Finance Authority to issue revenue bonds to open-enrollment charter  
5 schools for those schools to provide educational facilities.

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

7 SECTION 1. Subchapter C, Chapter 53, Education Code, is  
8 amended by adding Section 53.353 to read as follows:

9 Sec. 53.353. LIMITATION ON LIABILITY OF CORPORATION. (a)  
10 The nonprofit corporation established by the Texas Public Finance  
11 Authority under Section 53.351 is a governmental unit as defined by  
12 Section 101.001, Civil Practice and Remedies Code, and is subject  
13 to liability only as provided by Chapter 101, Civil Practice and  
14 Remedies Code, and only in the manner that liability is provided by  
15 that chapter for a school district.

16 (b) A director, officer, or employee of the nonprofit  
17 corporation established by the Texas Public Finance Authority under  
18 Section 53.351 is not personally liable:

19 (1) for damage, loss, or injury resulting from the  
20 performance of the person's duties under Section 53.351; or

21 (2) on any commitment or agreement executed on behalf  
22 of the corporation under Section 53.351.

23 SECTION 2. Section 104.001, Civil Practice and Remedies  
24 Code, is amended to read as follows:

1           Sec. 104.001. STATE LIABILITY; PERSONS COVERED. In a cause  
2 of action based on conduct described in Section 104.002, the state  
3 shall indemnify the following persons, without regard to whether  
4 the persons performed their services for compensation, for actual  
5 damages, court costs, and attorney's fees adjudged against:

6           (1) an employee, a member of the governing board, or  
7 any other officer of a state agency, institution, or department;

8           (2) a former employee, former member of the governing  
9 board, or any other former officer of a state agency, institution,  
10 or department who was an employee or officer when the act or  
11 omission on which the damages are based occurred;

12           (3) a physician or psychiatrist licensed in this state  
13 who was performing services under a contract with any state agency,  
14 institution, or department or a racing official performing services  
15 under a contract with the Texas Racing Commission when the act or  
16 omission on which the damages are based occurred;

17           (3-a) a phlebotomist licensed in this state who was  
18 performing services under a contract with the Texas Department of  
19 Criminal Justice when the act or omission on which the damages are  
20 based occurred;

21           (4) a chaplain or spiritual advisor who was performing  
22 services under contract with the Texas Department of Criminal  
23 Justice or the Texas Juvenile Justice Department when the act or  
24 omission on which the damages are based occurred;

25           (5) a person serving on the governing board of a  
26 foundation, corporation, or association at the request and on  
27 behalf of an institution of higher education, as that term is

1 defined by Section 61.003(8), Education Code, not including a  
2 public junior college;

3 (6) a state contractor who signed a waste manifest as  
4 required by a state contract; ~~or~~

5 (7) the estate of a person listed in this section; or

6 (8) a person serving as a director of the nonprofit  
7 corporation established by the Texas Public Finance Authority under  
8 Section 53.351, Education Code.

9 SECTION 3. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2017.