

BILL ANALYSIS

Senate Research Center

S.B. 1613
By: Duncan, Fraser
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 217 individual local soil and water conservation districts in Texas are political subdivisions of state government that are responsible for comprehensive natural resource conservation and protection. Each district has five board members (directors) elected to serve voluntarily by agricultural producers and property owners. The state has prohibited these districts from levying any tax and provides a limited amount of funding to these districts to carry out their duties or hire an attorney in the event a director or district is sued. The prospect of being sued and losing a farm or ranch by serving in an official capacity has led many directors to consider resigning their positions.

As proposed, S.B. 1613 removes individual liability from a director for certain actions within the scope of duties of the director's position.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 201, Agriculture Code, by adding Section 201.0751, as follows:

Sec. 201.0751. **INDIVIDUAL LIABILITY OF DIRECTORS.** (a) Provides that a member of the governing board of a conservation district (director) is not individually liable for any act incident to or within the scope of duties of the director's position involving the exercise of judgment or discretion on the director's part.

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

SECTION 2. Effective date: upon passage or September 1, 2007.