

## **BILL ANALYSIS**

Senate Research Center  
84R30051 GRM-D

C.S.H.B. 3163  
By: Cyrier; Isaac (Watson)  
State Affairs  
5/24/2015  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Interested parties note that groundwater conservation districts are the state's preferred method of groundwater management and that the management of groundwater within a district involves complicated and controversial issues. The parties further note that sharply divergent viewpoints and expectations may sometimes arise and that lawsuits against districts and district directors have become a reality in this occasionally charged atmosphere. The parties assert that community volunteers who become public servants as district directors must engage in decision-making on behalf of a district free from intimidation and that exposure to claims of personal liability as a result of a decision constitutes a prior restraint on the faithful performance of a director and may even have a chilling effect on the willingness of citizens to serve as directors. C.S.H.B. 3163 seeks to address this issue.

C.S.H.B. 3163 amends current law 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.

### **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 Section 36.060, Water Code, by adding Subsection (e), to provide that, for liability purposes only, a director is considered a district employee under Chapter 101 (Tort Claims), Civil Practice and Remedies Code, even if the director does not receive fees of office voluntarily, by district policy, or through a statutory exception to this section.

SECTION 2. Amends Section 36.066(a), Water Code, to provide that a district (relating to any district or authority created under certain articles of the Texas Constitution, that has the authority to regulate the spacing of water wells, the production of water wells, or both) board member is immune from suit and immune from liability for official votes and official actions. Provides that this subsection, to the extent an official vote or official action conforms to laws relating to conflicts of interest, abuse of office, or constitutional obligations, provides immunity for those actions.

SECTION 3. Effective date: upon passage or September 1, 2015.