

By: Martinez Fischer

H.B. No. 4688

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the personal liability of an elected state officer of a
3 state governmental entity for a claim brought against the entity
4 under the whistleblower protection laws.

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

6 SECTION 1. Chapter 554, Government Code, is amended by
7 adding Section 554.011 to read as follows:

8 Sec. 554.011. PERSONAL LIABILITY OF ELECTED STATE OFFICER.

9 (a) An elected state officer of a state governmental entity who
10 directs the entity to suspend or terminate the employment of, or to
11 take other adverse personnel action against, a public employee in
12 violation of Section 554.002 is liable in the officer's personal
13 capacity for any amount awarded to the employee under the terms of a
14 settlement agreement or a final judgment in a suit brought by the
15 employee under this chapter against the state governmental entity.

16 (b) Notwithstanding any other law, an elected state officer
17 may not, in relation to the officer's personal liability under
18 Subsection (a):

19 (1) assert official immunity or other forms of
20 immunity as a defense; or

21 (2) be indemnified by the state under Chapter 104,
22 Civil Practice and Remedies Code.

23 SECTION 2. Section 554.011, Government Code, as added by
24 this Act, applies to an action under Chapter 554, Government Code,

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1 that is pending or filed on, before, or after the effective date of
2 this Act.

3 SECTION 3. This Act takes effect September 1, 2023.