

By: West

S.B. No. 1478

A BILL TO BE ENTITLED

AN ACT

relating to protecting certain public employees who report violations of law.

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

SECTION 1. Section 554.002(a), Government Code, is amended to read as follows:

(a) A state or local governmental entity may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who in good faith reports a violation of law by the employing governmental entity or another public employee to:

(1) an appropriate law enforcement authority; or

(2) a person within the employing governmental entity who has authority to act on the violation.

SECTION 2. Section 554.003(c), Government Code, is amended to read as follows:

(c) In a suit under this chapter against an employing state or local governmental entity, a public employee may not recover compensatory damages for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses in an amount that exceeds 10 times the public employee's annual salary, exclusive of overtime compensation[+]

~~[(1) \$50,000, if the employing state or local~~

1 ~~governmental entity has fewer than 101 employees in each of 20 or~~
2 ~~more calendar weeks in the calendar year in which the suit is filed~~
3 ~~or in the preceding year;~~

4 ~~[(2) \$100,000, if the employing state or local~~
5 ~~governmental entity has more than 100 and fewer than 201 employees~~
6 ~~in each of 20 or more calendar weeks in the calendar year in which~~
7 ~~the suit is filed or in the preceding year;~~

8 ~~[(3) \$200,000, if the employing state or local~~
9 ~~governmental entity has more than 200 and fewer than 501 employees~~
10 ~~in each of 20 or more calendar weeks in the calendar year in which~~
11 ~~the suit is filed or in the preceding year; and~~

12 ~~[(4) \$250,000, if the employing state or local~~
13 ~~governmental entity has more than 500 employees in each of 20 or~~
14 ~~more calendar weeks in the calendar year in which the suit is filed~~
15 ~~or in the preceding year].~~

16 SECTION 3. Section 554.004(b), Government Code, is amended
17 to read as follows:

18 (b) The public employee must show that the report of the
19 violation of law was a determining factor in the suspension,
20 termination, or adverse personnel action. The public employee is
21 not required to show that the suspension, termination, or adverse
22 personnel action occurred solely because ~~[It is an affirmative~~
23 ~~defense to a suit under this chapter that the employing state or~~
24 ~~local governmental entity would have taken the action against the~~
25 ~~employee that forms the basis of the suit based solely on~~
26 ~~information, observation, or evidence that is not related to the~~
27 ~~fact that]~~ the employee made a report protected under this chapter

1 of a violation of law.

2 SECTION 4. This Act takes effect September 1, 2003, and
3 applies only to a suit filed on or after that date. A suit filed
4 before the effective date of this Act is governed by the law in
5 effect on the date the suit was filed, and the former law is
6 continued in effect for that purpose.