

1-1 By: West S.B. No. 1478
1-2 (In the Senate - Filed March 13, 2003; March 20, 2003, read
1-3 first time and referred to Committee on Jurisprudence; May 9, 2003,
1-4 reported favorably, as amended, by the following vote: Yeas 5,
1-5 Nays 0; May 9, 2003, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: West

1-7 Amend S.B. No. 1478 as follows:

- 1-8 (1) On page 1, line 25, between "violation" and ".", insert
1-9 "or the report of a violation".
1-10 (2) On page 1, line 54, strike "a" and replace with "the".

1-11 A BILL TO BE ENTITLED
1-12 AN ACT

1-13 relating to protecting certain public employees who report
1-14 violations of law.

1-15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-16 SECTION 1. Subsection (a), Section 554.002, Government
1-17 Code, is amended to read as follows:

1-18 (a) A state or local governmental entity may not suspend or
1-19 terminate the employment of, or take other adverse personnel action
1-20 against, a public employee who in good faith reports a violation of
1-21 law by the employing governmental entity or another public employee
1-22 to:

- 1-23 (1) an appropriate law enforcement authority; or
1-24 (2) a person within the employing governmental entity
1-25 who has authority to act on the violation.

1-26 SECTION 2. Subsection (c), Section 554.003, Government
1-27 Code, is amended to read as follows:

1-28 (c) In a suit under this chapter against an employing state
1-29 or local governmental entity, a public employee may not recover
1-30 compensatory damages for future pecuniary losses, emotional pain,
1-31 suffering, inconvenience, mental anguish, loss of enjoyment of
1-32 life, and other nonpecuniary losses in an amount that exceeds 10
1-33 times the public employee's annual salary, exclusive of overtime
1-34 compensation[-

1-35 ~~[(1) \$50,000, if the employing state or local~~
1-36 ~~governmental entity has fewer than 101 employees in each of 20 or~~
1-37 ~~more calendar weeks in the calendar year in which the suit is filed~~
1-38 ~~or in the preceding year,~~

1-39 ~~[(2) \$100,000, if the employing state or local~~
1-40 ~~governmental entity has more than 100 and fewer than 201 employees~~
1-41 ~~in each of 20 or more calendar weeks in the calendar year in which~~
1-42 ~~the suit is filed or in the preceding year,~~

1-43 ~~[(3) \$200,000, if the employing state or local~~
1-44 ~~governmental entity has more than 200 and fewer than 501 employees~~
1-45 ~~in each of 20 or more calendar weeks in the calendar year in which~~
1-46 ~~the suit is filed or in the preceding year, and~~

1-47 ~~[(4) \$250,000, if the employing state or local~~
1-48 ~~governmental entity has more than 500 employees in each of 20 or~~
1-49 ~~more calendar weeks in the calendar year in which the suit is filed~~
1-50 ~~or in the preceding year].~~

1-51 SECTION 3. Subsection (b), Section 554.004, Government
1-52 Code, is amended to read as follows:

1-53 (b) The public employee must show that the report of the
1-54 violation of law was a determining factor in the suspension,
1-55 termination, or adverse personnel action. The public employee is
1-56 not required to show that the suspension, termination, or adverse
1-57 personnel action occurred solely because [It is an affirmative
1-58 defense to a suit under this chapter that the employing state or
1-59 local governmental entity would have taken the action against the
1-60 employee that forms the basis of the suit based solely on
1-61 information, observation, or evidence that is not related to the
1-62 fact that] the employee made a report protected under this chapter

2-1 of a violation of law.

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

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