

1-1 By: England, Madden (Senate Sponsor - Harris) H.B. No. 1194
1-2 (In the Senate - Received from the House March 26, 2007;
1-3 April 3, 2007, read first time and referred to Committee on State
1-4 Affairs; May 8, 2007, reported favorably by the following vote:
1-5 Yeas 8, Nays 0; May 8, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to indemnification of phlebotomists performing services
1-9 under contract with the Texas Department of Criminal Justice.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 104.001, Civil Practice and Remedies
1-12 Code, is amended to read as follows:

1-13 Sec. 104.001. STATE LIABILITY; PERSONS COVERED. In a cause
1-14 of action based on conduct described in Section 104.002, the state
1-15 shall indemnify the following persons, without regard to whether
1-16 the persons performed their services for compensation, for actual
1-17 damages, court costs, and attorney's fees adjudged against:

1-18 (1) an employee, a member of the governing board, or
1-19 any other officer of a state agency, institution, or department;

1-20 (2) a former employee, former member of the governing
1-21 board, or any other former officer of a state agency, institution,
1-22 or department who was an employee or officer when the act or
1-23 omission on which the damages are based occurred;

1-24 (3) a physician or psychiatrist licensed in this state
1-25 who was performing services under a contract with any state agency,
1-26 institution, or department or a racing official performing services
1-27 under a contract with the Texas Racing Commission when the act or
1-28 omission on which the damages are based occurred;

1-29 (3-a) a phlebotomist licensed in this state who was
1-30 performing services under a contract with the Texas Department of
1-31 Criminal Justice when the act or omission on which the damages are
1-32 based occurred;

1-33 (4) a chaplain or spiritual advisor who was performing
1-34 services under contract with the Texas Department of Criminal
1-35 Justice, the Texas Youth Commission, or the Texas Juvenile
1-36 Probation Commission when the act or omission on which the damages
1-37 are based occurred;

1-38 (5) a person serving on the governing board of a
1-39 foundation, corporation, or association at the request and on
1-40 behalf of an institution of higher education, as that term is
1-41 defined by Section 61.003(8), Education Code, not including a
1-42 public junior college;

1-43 (6) a state contractor who signed a waste manifest as
1-44 required by a state contract; or

1-45 (7) the estate of a person listed in this section.

1-46 SECTION 2. The change in law made by this Act applies only
1-47 to a cause of action that accrues on or after the effective date of
1-48 this Act. A cause of action that accrues before the effective date
1-49 of this Act is governed by the law in effect immediately before the
1-50 effective date of this Act, and that law is continued in effect for
1-51 that purpose.

1-52 SECTION 3. This Act takes effect immediately if it receives
1-53 a vote of two-thirds of all the members elected to each house, as
1-54 provided by Section 39, Article III, Texas Constitution. If this
1-55 Act does not receive the vote necessary for immediate effect, this
1-56 Act takes effect September 1, 2007.

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