

1-1 By: Whitmire S.B. No. 1015  
1-2 (In the Senate - Filed February 28, 2007; March 14, 2007,  
1-3 read first time and referred to Committee on Jurisprudence;  
1-4 May 3, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 4, Nays 0; May 3, 2007, sent  
1-6 to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1015 By: Duncan

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the application of the doctrine of sovereign immunity  
1-11 in a judicial proceeding to enforce certain employment rights.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 180, Local Government Code, is amended  
1-14 by adding Section 180.007 to read as follows:

1-15 Sec. 180.007. SOVEREIGN OR GOVERNMENTAL IMMUNITY WAIVED.

1-16 (a) A current or former fire fighter or police officer who is or  
1-17 was employed by a municipality with a population of 1.9 million or  
1-18 more and who is or was covered by Chapter 141, 142, 143, 175, or this  
1-19 chapter or a municipal ordinance passed pursuant to a provision  
1-20 contained in Chapter 142 or 143 and who alleges denial of monetary  
1-21 benefits associated with the recovery of back pay authorized under  
1-22 one or more of those provisions, or a monetary civil penalty under  
1-23 Section 143.134(h), may sue the employing political subdivision for  
1-24 those monetary benefits.

1-25 (b) Sovereign and governmental immunity from suit and  
1-26 liability is waived only to the extent of liability for the monetary  
1-27 benefits described in Subsection (a) and in no other circumstances,  
1-28 including, without limitation, claims involving negligence,  
1-29 intentional tort, or contract, unless otherwise provided for by  
1-30 statute.

1-31 (c) Nothing in this section shall constitute a grant of  
1-32 immunity to suit to a local governmental entity.

1-33 (d) This section does not waive a defense or a limitation on  
1-34 damages, attorney's fees, or costs available to either party to a  
1-35 suit under this chapter or any other chapter set out herein, or  
1-36 available pursuant to other statute or modify an agreement entered  
1-37 into pursuant to Chapter 142, 143, or 174.

1-38 (e)(1) Prior to filing suit, an employee alleging denial of  
1-39 monetary benefits associated with the recovery of back pay under  
1-40 one or more of the provisions set out in Subsection (a) or any  
1-41 applicable agreement must initiate action under any applicable  
1-42 grievance or appeal procedures created by the provision or any  
1-43 applicable agreement. Exhaustion of any applicable grievance or  
1-44 appeal procedures created by the provision or any applicable  
1-45 agreement is a statutory prerequisite to filing a suit.

1-46 (2) A party dissatisfied with the final grievance or  
1-47 appeal decision may obtain judicial review of the decision by  
1-48 filing suit in district court not later than the time period allowed  
1-49 by any applicable provision.

1-50 (3) Judicial review of the grievance or appeal  
1-51 decision shall be under the substantial evidence rule, unless a  
1-52 different standard of review is provided in the provision creating  
1-53 the grievance or appeal provision.

1-54 SECTION 2. Section 180.007, Local Government Code, as added  
1-55 by this Act, applies to any action alleging a violation of  
1-56 Subchapter G, Chapter 143, or Section 142.0017, Local Government  
1-57 Code, or a municipal ordinance passed pursuant to a provision  
1-58 contained in Subchapter G, Chapter 143, or Section 142.0017, Local  
1-59 Government Code, that has not been finally adjudicated on the  
1-60 effective date of this Act.

1-61 SECTION 3. This Act takes effect immediately if it receives  
1-62 a vote of two-thirds of all the members elected to each house, as  
1-63 provided by Section 39, Article III, Texas Constitution. If this

2-1 Act does not receive the vote necessary for immediate effect, this  
2-2 Act takes effect September 1, 2007.

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