

By: West, Royce

S.B. No. 1980

A BILL TO BE ENTITLED

AN ACT

relating to the reemployment of certain persons called to training or duty in the state military forces.

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

SECTION 1. Sections 431.006(b) and (c), Government Code, are amended to read as follows:

(b) A person injured by a violation of this section is entitled to:

(1) damages in an amount not exceeding 24 [~~six~~] months' compensation at the rate at which the person was compensated when ordered to training or duty; [~~and~~]

(2) reasonable attorney's fees approved by the court; and

(3) exemplary or punitive damages.

(c) It is a defense to an action under this section that the employer's circumstances changed while the employee was in training or on duty to an extent that makes reemployment impossible or unreasonable. The employer has the burden of proving by clear and convincing evidence the impossibility or unreasonableness of reemploying the employee under the employer's changed circumstances.

SECTION 2. The changes in law made by this Act apply to a suit filed under Section 431.006, Government Code, on or after the effective date of this Act. A suit filed before the effective date

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1 of this Act is governed by the law in effect on the date the suit was  
2 filed, and the former law is continued in effect for that purpose.

3 SECTION 3. This Act takes effect September 1, 2007.