

By: Ogden

S.B. No. 628

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to immunity of the state and state agencies and employees  
3 of the state and state agencies from suit by certain public  
4 entities.

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

6 SECTION 1. Title 5, Civil Practice and Remedies Code, is  
7 amended by adding Chapter 113 to read as follows:

8 CHAPTER 113. IMMUNITY FROM SUIT BY PUBLIC ENTITIES

9 Sec. 113.001. DEFINITIONS. In this chapter:

10 (1) "Employee" includes an officer, volunteer, or  
11 employee or a former officer, volunteer, or employee of the state or  
12 a state agency. The term includes a member of a governing board.

13 (2) "Public entity" means a political subdivision of  
14 this state, including a city, county, school district, junior  
15 college district, levee improvement district, drainage district,  
16 irrigation district, water improvement district, water control and  
17 improvement district, water control and preservation district,  
18 freshwater supply district, navigation district, conservation and  
19 reclamation district, soil conservation district, communication  
20 district, public health district, or river authority.

21 (3) "State agency" means any of the agencies of  
22 government that collectively constitute the government of this  
23 state, including other agencies bearing different designations,  
24 and all departments, bureaus, boards, commissions, offices,

1 agencies, councils, and courts.

2 Sec. 113.002. IMMUNITY FROM SUIT. A public entity may not  
3 bring an action for damages or other relief, including a  
4 declaratory judgment, against:

5 (1) the state or a state agency; or

6 (2) an employee of the state or a state agency for an  
7 act or omission of the employee in the course and scope of the  
8 employee's employment with the state or state agency.

9 SECTION 2. This Act applies only to a cause of action that  
10 accrues on or after the effective date of this Act. A cause of  
11 action that accrues before the effective date of this Act is  
12 governed by the law in effect immediately before that date, and that  
13 law is continued in effect for that purpose.

14 SECTION 3. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2009.