

BILL ANALYSIS

C.S.H.B. 1424
By: Moody
Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties assert that first responders such as police officers and firefighters perform jobs that carry a wide range of inherent dangers. Under current law, these public servants, like any other employee in Texas, may not be discriminated against for pursuing legitimate workers' compensation claims. However, there is concern that, unlike other employees, first responders are unable to seek relief by filing a lawsuit when that right to protection against discrimination with respect to the filing of such a claim is violated because their employers are governmental entities, which enjoy the protections of sovereign or governmental immunity from suit. C.S.H.B. 1424 seeks to put first responders on equal footing with other employees in Texas by waiving that immunity for certain actions involving workers' compensation discrimination.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1424 amends the Labor Code to authorize a first responder who alleges a violation of statutory provisions prohibiting discrimination against an employee in relation to a workers' compensation claim to sue the governmental entity for the relief provided by those statutory provisions. The bill waives and abolishes sovereign or governmental immunity from suit to the extent of liability created under those statutory provisions. The bill does not affect immunity from a claim for damages to the extent a person has official or individual immunity from such a claim. The bill limits the liability of a political subdivision under such statutory provisions to money damages in a maximum amount of \$100,000 for each person aggrieved by a violation of those statutory provisions.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1424 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Chapter 451, Labor Code, is amended.	SECTION 1. Same as introduced version.

No equivalent provision.

SECTION 2. Section 504.002, Labor Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The following provisions of Subtitles A and B apply to and are included in this chapter except to the extent that they are inconsistent with this chapter:

(1) Chapter 401, other than Section 401.011(18) defining "employer" and Section 401.012 defining "employee";

(2) Chapter 402;

(3) Chapter 403, other than Sections 403.001-403.005;

(4) Chapters 404 and 405;

(5) Sections 406.006-406.009 and Subchapters B and D-G, Chapter 406, other than Sections 406.033, 406.034, 406.035, 406.091, and 406.096;

(6) Chapter 408, other than Sections 408.001(b) and (c);

(7) Chapters 409-412;

(8) Chapter 413, except as provided by Section 504.053;

(9) Chapters 414-417; and

(10) Chapter 451, subject to the limitations of Subsection (a-1).

(a-1) The liability of a political subdivision under Chapter 451 is limited to money damages in a maximum amount of \$100,000 for each person aggrieved by a violation of that chapter.

SECTION 2. The change in law made by this Act applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect on the date the cause of action accrued, and the former law is continued in effect for that purpose.

SECTION 3. Same as introduced version.

SECTION 3. This Act takes effect September 1, 2013.

SECTION 4. Same as introduced version.