

By: Howard

H.B. No. 581

Substitute the following for H.B. No. 581:

By: Raymond

C.S.H.B. No. 581

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a limited waiver of sovereign immunity for state and
3 local governmental entities in certain employment lawsuits filed by
4 nurses.

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

6 SECTION 1. Section 301.413, Occupations Code, is amended by
7 adding Subsections (g), (h), (i), and (j) to read as follows:

8 (g) A nurse employed by a hospital operated by or on behalf
9 of a state or local governmental entity who alleges a violation of
10 Subsection (b) may sue the state or local governmental entity for
11 relief under this section, and the sovereign immunity of the state
12 or local governmental entity from suit and from liability is waived
13 for the limited purpose of allowing the nurse to maintain a lawsuit
14 in state court to obtain that relief. Relief under this section is
15 in addition to any other remedies a nurse may have under state or
16 federal law as a public employee. In this subsection:

17 (1) "Local governmental entity," "public employee,"
18 and "state governmental entity" have the meanings assigned by
19 Section 554.001, Government Code.

20 (2) "Hospital" has the meaning assigned by Section
21 241.003, Health and Safety Code, and includes a mental hospital
22 licensed under Chapter 577, Health and Safety Code.

23 (h) The following provisions of Chapter 554, Government
24 Code, apply to a lawsuit under Subsection (g):

1 (1) the type of relief and the amount of damages
2 available to a public employee under Section 554.003;

3 (2) the time during which a public employee must seek
4 relief under Section 554.005; and

5 (3) the requirement that a public employee use the
6 grievance or appeal procedures of the state or local governmental
7 entity before suing for relief under Section 554.006.

8 (i) A lawsuit under Subsection (g) against a state
9 governmental entity shall be brought in a district court in Travis
10 County or a county in which all or part of the acts or omissions
11 giving rise to the cause of action occurred.

12 (j) A lawsuit under Subsection (g) against a local
13 governmental entity shall be brought in a district court in a county
14 in which all or part of the entity is located.

15 SECTION 2. The change in law made by this Act to Section
16 301.413, Occupations Code, applies to an action commenced on or
17 after the effective date of this Act. An action commenced before
18 the effective date of this Act is governed by the law as it existed
19 immediately before the effective date of this Act, and that law is
20 continued in effect for that purpose.

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