

1-1 By: Howard, et al. (Senate Sponsor - Lucio) H.B. No. 581
 1-2 (In the Senate - Received from the House May 10, 2013;
 1-3 May 10, 2013, read first time and referred to Committee on State
 1-4 Affairs; May 15, 2013, reported favorably by the following vote:
 1-5 Yeas 7, Nays 1; May 15, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11		X		
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the waiver of sovereign immunity in certain employment
 1-20 lawsuits by nurses and in certain employment discrimination actions
 1-21 in connection with a workers' compensation claim.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Chapter 451, Labor Code, is amended by adding
 1-24 Section 451.0025 to read as follows:

1-25 Sec. 451.0025. WAIVER OF IMMUNITY; PERMISSION FOR FIRST
 1-26 RESPONDER TO SUE. (a) In this section, "first responder" has the
 1-27 meaning assigned by Section 421.095, Government Code.

1-28 (b) A first responder who alleges a violation of Section
 1-29 451.001 by a state or local governmental entity that employs the
 1-30 first responder may sue the governmental entity for the relief
 1-31 provided by this chapter. Sovereign or governmental immunity from
 1-32 suit is waived and abolished to the extent of liability created by
 1-33 this chapter.

1-34 (c) To the extent a person has official or individual
 1-35 immunity from a claim for damages, this section does not affect that
 1-36 immunity.

1-37 SECTION 2. Section 504.002, Labor Code, is amended by
 1-38 amending Subsection (a) and adding Subsection (a-1) to read as
 1-39 follows:

1-40 (a) The following provisions of Subtitles A and B apply to
 1-41 and are included in this chapter except to the extent that they are
 1-42 inconsistent with this chapter:

1-43 (1) Chapter 401, other than Section 401.011(18)
 1-44 defining "employer" and Section 401.012 defining "employee";

1-45 (2) Chapter 402;

1-46 (3) Chapter 403, other than Sections 403.001-403.005;

1-47 (4) Chapters 404 and 405;

1-48 (5) Sections 406.006-406.009 and Subchapters B and
 1-49 D-G, Chapter 406, other than Sections 406.033, 406.034, 406.035,
 1-50 406.091, and 406.096;

1-51 (6) Chapter 408, other than Sections 408.001(b) and
 1-52 (c);

1-53 (7) Chapters 409-412;

1-54 (8) Chapter 413, except as provided by Section
 1-55 504.053;

1-56 (9) Chapters 414-417; and

1-57 (10) Chapter 451, subject to the limitations of
 1-58 Subsection (a-1).

1-59 (a-1) The liability of a political subdivision under
 1-60 Chapter 451 is limited to money damages in a maximum amount of
 1-61 \$100,000 for each person aggrieved by a violation of that chapter.

SECTION 3. Section 301.413, Occupations Code, is amended by adding Subsections (g), (h), (i), and (j) to read as follows:

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

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

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

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

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

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

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

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

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

SECTION 4. Section 451.0025, Labor Code, as added by this Act, and Section 504.002, Labor Code, as amended by this Act, apply 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 5. The change in law made by this Act to Section 301.413, Occupations Code, applies to an action commenced on or after the effective date of this Act. An action commenced before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 6. This Act takes effect September 1, 2013.

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