

**House Bill 581**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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;

SENATE VERSION (IE)

SECTION 1. **No equivalent provision.** [Deleted by FA1(4)]

SECTION 2. **No equivalent provision.** [Deleted by FA1(5)]

CONFERENCE

**House Bill 581**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

(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 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.

SENATE VERSION (IE)

SECTION 3. Section 301.413, Occupations Code, is amended by adding Subsections (g), (h), (i), (j), (k), and (l) to read as follows: [FA1(1)]

(g) Subject to Subsection (h), 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:  
[FA1(2)]

(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) Relief may be granted in a lawsuit brought under Subsection (g) for an alleged violation of Subsection (b)(1) based on a report made by a nurse under Section 301.4025(b)

CONFERENCE

**House Bill 581**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

only if the nurse:  
(1) made the report:  
(A) in writing, which may be provided electronically; or  
(B) verbally, if authorized by the nurse's employer or another entity at which the nurse is authorized to practice;  
(2) made the report to:  
(A) the nurse's supervisor;  
(B) a committee authorized under state or federal law to receive reports under Section 301.4025(b); or  
(C) an individual or committee authorized by the nurse's employer or another entity at which the nurse is authorized to practice; and  
(3) made the report not later than:  
(A) the fifth day after the date the nurse became aware of the situation if the situation involves a single incident; or  
(B) the fifth day after the date the nurse became aware of the most recent occurrence of the situation if the situation involves multiple incidents or a pattern of behavior.  
(i) For purposes of Subsection (h), "supervisor" means an individual who has authority over the responsibilities of the nurse making the report or an individual who is in the nurse's chain of command. [FA1(3)]

(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

(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

**House Bill 581**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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.

SENATE VERSION (IE)

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. **No equivalent provision.** [Deleted by FA1(6)]

SECTION 5. Same as House version.

SECTION 6. Same as House version.

CONFERENCE