

1-1 By: Moody, et al. (Senate Sponsor - Creighton) H.B. No. 451  
 1-2 (In the Senate - Received from the House April 24, 2017;  
 1-3 May 2, 2017, read first time and referred to Committee on Business  
 1-4 & Commerce; May 21, 2017, reported favorably by the following vote:  
 1-5 Yeas 8, Nays 0; May 21, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hancock	X			
1-8 Creighton	X			
1-9 Campbell	X			
1-10 Estes	X			
1-11 Nichols			X	
1-12 Schwertner	X			
1-13 Taylor of Galveston	X			
1-14 Whitmire	X			
1-15 Zaffirini	X			

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

1-19 relating to waiver of immunity in certain employment discrimination  
 1-20 actions in connection with a workers' compensation claim.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 451, Labor Code, is amended by adding  
 1-23 Section 451.0025 to read as follows:

1-24 Sec. 451.0025. WAIVER OF IMMUNITY; PERMISSION FOR FIRST  
 1-25 RESPONDER TO SUE. (a) In this section, "first responder" has the  
 1-26 meaning assigned by Section 421.095, Government Code.

1-27 (b) A first responder who alleges a violation of Section  
 1-28 451.001 by a state or local governmental entity that employs the  
 1-29 first responder may sue the governmental entity for the relief  
 1-30 provided by this chapter. Sovereign or governmental immunity from  
 1-31 suit is waived and abolished to the extent of liability created by  
 1-32 this chapter.

1-33 (c) To the extent a person has official or individual  
 1-34 immunity from a claim for damages, this section does not affect that  
 1-35 immunity.

1-36 SECTION 2. Section 504.002, Labor Code, is amended by  
 1-37 amending Subsection (a) and adding Subsection (a-1) to read as  
 1-38 follows:

1-39 (a) The following provisions of Subtitles A and B apply to  
 1-40 and are included in this chapter except to the extent that they are  
 1-41 inconsistent with this chapter:

1-42 (1) Chapter 401, other than Section 401.011(18)  
 1-43 defining "employer" and Section 401.012 defining "employee";

1-44 (2) Chapter 402;

1-45 (3) Chapter 403, other than Sections 403.001-403.005;

1-46 (4) Chapters 404 and 405;

1-47 (5) Sections 406.006-406.009 and Subchapters B and  
 1-48 D-G, Chapter 406, other than Sections 406.033, 406.034, 406.035,  
 1-49 406.091, and 406.096;

1-50 (6) Chapter 408, other than Sections 408.001(b) and  
 1-51 (c);

1-52 (7) Chapters 409-412;

1-53 (8) Chapter 413, except as provided by Section  
 1-54 504.053;

1-55 (9) Chapters 414-417; and

1-56 (10) Chapter 451, subject to the limitations of  
 1-57 Subsection (a-1).

1-58 (a-1) The liability of a political subdivision under  
 1-59 Chapter 451 is limited to money damages in a maximum amount of  
 1-60 \$100,000 for each person aggrieved by and \$300,000 for each single  
 1-61 occurrence of a violation of that chapter. For purposes of this

2-1 subsection, a single occurrence is considered to be a single  
2-2 employment policy or employment action that results in  
2-3 discrimination against or discharge of one or more employees  
2-4 concurrently.

2-5 SECTION 3. The change in law made by this Act applies only  
2-6 to a cause of action that accrues on or after the effective date of  
2-7 this Act. A cause of action that accrues before the effective date  
2-8 of this Act is governed by the law in effect on the date the cause of  
2-9 action accrued, and the former law is continued in effect for that  
2-10 purpose.

2-11 SECTION 4. This Act takes effect September 1, 2017.

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