

By: Watson

S.B. No. 1638

A BILL TO BE ENTITLED

AN ACT

relating to waiver of a political subdivision's governmental immunity for certain employment benefit claims.

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

SECTION 1. Chapter 180, Local Government Code, is amended by adding Section 180.008 to read as follows:

Sec. 180.008. GOVERNMENTAL IMMUNITY WAIVED FOR CERTAIN EMPLOYMENT BENEFIT CLAIMS. (a) Notwithstanding Section 2259.002, Government Code, a political subdivision's governmental immunity to suit and from liability is waived and abolished for a claim based on a dispute under an employment benefit, including health benefit plan coverage, provided to an employee of the political subdivision by the political subdivision if the employee is unable to sue another party for the same claim.

(b) Governmental immunity to suit and from liability is waived and abolished under this section only to the extent of liability under a claim described by Subsection (a).

SECTION 2. The heading to Chapter 180, Local Government Code, is amended to read as follows:

CHAPTER 180. MISCELLANEOUS PROVISIONS AFFECTING OFFICERS AND EMPLOYEES OF MUNICIPALITIES, COUNTIES, AND ~~CERTAIN~~ OTHER LOCAL GOVERNMENTS

SECTION 3. Section 180.008, Local Government Code, as added by this Act, applies only to an action that commences on or after

1 the effective date of this Act. An action that commences before the
2 effective date of this Act is governed by the law applicable to the
3 action immediately before the effective date of this Act, and that
4 law is continued in effect for that purpose.

5 SECTION 4. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2017.