

By: Canales

H.B. No. 159

A BILL TO BE ENTITLED

AN ACT

relating to the waiver of governmental immunity of a county or sheriff's department for claims arising from a final decision of certain civil service commissions.

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

SECTION 1. Subchapter A, Chapter 158, Local Government Code, is amended by adding Section 158.016 to read as follows:

Sec. 158.016. GOVERNMENTAL IMMUNITY WAIVED. (a) An employee may file suit in district court for a writ of mandamus to compel the county or, if applicable, the sheriff's department of the county that employs the employee to comply with a final decision of the commission established for the county or an order of a district court under Section 158.012 that awards back pay or another monetary benefit to the employee.

(b) Governmental immunity of a county or a sheriff's department, as applicable, from suit and liability is waived only to the extent necessary to enforce the final decision or order described by Subsection (a).

(c) The court may award reasonable attorney's fees and court costs to the prevailing party in a suit brought under this section.

SECTION 2. Subchapter B, Chapter 158, Local Government Code, is amended by adding Section 158.041 to read as follows:

Sec. 158.041. GOVERNMENTAL IMMUNITY WAIVED. (a) An employee may file suit in district court for a writ of mandamus to

1 compel the county and the sheriff's department of the county that  
2 employs the employee to comply with a final decision of the  
3 commission established for the county or an order of a district  
4 court under Section 158.037 that awards back pay or another  
5 monetary benefit to the employee.

6 (b) Governmental immunity of a county or a sheriff's  
7 department, as applicable, from suit and liability is waived only  
8 to the extent necessary to enforce the final decision or order  
9 described by Subsection (a).

10 (c) The court may award reasonable attorney's fees and court  
11 costs to the prevailing party in a suit brought under this section.

12 SECTION 3. The changes in law made by this Act apply to a  
13 final decision of a civil service commission or an order of a  
14 district court issued before, on, or after the effective date of  
15 this Act.

16 SECTION 4. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2019.