

Amend CSSB 689 (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 51.014(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) A person may appeal from an interlocutory order of a district court, county court at law, statutory probate court, or county court that:

(1) appoints a receiver or trustee;

(2) overrules a motion to vacate an order that appoints a receiver or trustee;

(3) certifies or refuses to certify a class in a suit brought under Rule 42 of the Texas Rules of Civil Procedure;

(4) grants or refuses a temporary injunction or grants or overrules a motion to dissolve a temporary injunction as provided by Chapter 65;

(5) denies a motion for summary judgment that is based on an assertion of immunity by an individual who is an officer or employee of the state or a political subdivision of the state in an action other than an action brought under Chapter 106 of this code or Chapter 21, Labor Code;

(6) denies a motion for summary judgment that is based in whole or in part upon a claim against or defense by a member of the electronic or print media, acting in such capacity, or a person whose communication appears in or is published by the electronic or print media, arising under the free speech or free press clause of the First Amendment to the United States Constitution, or Article I, Section 8, of the Texas Constitution, or Chapter 73;

(7) grants or denies the special appearance of a defendant under Rule 120a, Texas Rules of Civil Procedure, except in a suit brought under the Family Code;

(8) grants or denies a plea to the jurisdiction by a governmental unit as that term is defined in Section 101.001 in an action other than an action brought under Chapter 106 of this code or Chapter 21, Labor Code;

(9) denies all or part of the relief sought by a motion under Section 74.351(b), except that an appeal may not be taken from

an order granting an extension under Section 74.351;

(10) grants relief sought by a motion under Section 74.351(1);

(11) denies a motion to dismiss filed under Section 90.007;

(12) denies a motion to dismiss filed under Section 27.003;

(13) denies a motion for summary judgment filed by an electric utility regarding liability in a suit subject to Section 75.0022;

(14) denies a motion filed by a municipality with a population of 500,000 or more in an action filed under Section 54.012(6) or 214.0012, Local Government Code;

(15) makes a preliminary determination on a claim under Section 74.353;

(16) overrules an objection filed under Section 148.003(d) or denies all or part of the relief sought by a motion under Section 148.003(f); or

(17) grants or denies a motion for summary judgment filed by a contractor based on Section 97.002.

SECTION \_\_\_\_\_. Section 106.002, Civil Practice and Remedies Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) A prevailing claimant in an action brought under this section may recover exemplary damages.

(d) An officer or employee of this state or a political subdivision of this state may not assert official immunity as a defense to an action brought under this chapter.

SECTION \_\_\_\_\_. Section 106.003(b), Civil Practice and Remedies Code, is amended to read as follows:

(b) An offense under this section is a misdemeanor punishable by:

(1) a fine of not more than \$4,000 [~~\$1,000~~];

(2) confinement in the county jail for not more than one year; or

(3) both the fine and confinement.

SECTION \_\_\_\_\_. Section 21.201, Labor Code, is amended to

read as follows:

Sec. 21.201. FILING OF COMPLAINT; FORM AND CONTENT; SERVICE. (a) A person claiming to be aggrieved by an unlawful discriminatory employment practice or the person's agent may file a complaint with the commission.

(b) The complaint must be in writing and made under oath.

(c) The complaint must state:

(1) that an unlawful discriminatory employment practice has been committed;

(2) the facts on which the complaint is based, including the date, place, and circumstances of the alleged unlawful employment practice; and

(3) facts sufficient to enable the commission to identify the respondent.

(d) The executive director or the executive director's designee shall serve the respondent with a copy of the perfected complaint not later than the 10th day after the date the complaint is filed.

(e) A complaint may be amended to cure technical defects or omissions, including a failure to verify the complaint or to clarify and amplify an allegation made in the complaint.

(f) An amendment to a complaint alleging additional facts that constitute unlawful discriminatory employment practices relating to or arising from the subject matter of the original complaint relates back to the date the complaint was first received by the commission.

(g) If a perfected complaint is not received by the commission before the second anniversary [~~within 180 days~~] of the date of an alleged unlawful employment practice [~~or, for a complaint alleging sexual harassment, within 300 days of the alleged sexual harassment~~], the commission shall notify the respondent that a complaint has been filed and that the process of perfecting the complaint is in progress.

SECTION \_\_\_\_\_. Section 21.202(a), Labor Code, is amended to read as follows:

(a) A [~~Except as provided by Subsection (a-1), a~~] complaint under this subchapter must be filed not later than the second

anniversary of ~~[180th day after]~~ the date the alleged unlawful employment practice occurred.

SECTION \_\_\_\_\_. Section 21.252, Labor Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A complainant ~~[who receives notice under Section 21.208 that the complaint is not dismissed or resolved]~~ is entitled to request from the commission a written notice of the complainant's right to file a civil action.

(a-1) On receipt of a written request by a complainant, the commission shall issue a notice of the right to file a civil action following an investigation by the commission.

SECTION \_\_\_\_\_. Section 21.255, Labor Code, is amended to read as follows:

Sec. 21.255. COMMISSION'S INTERVENTION IN CIVIL ACTION BY COMPLAINANT. After receipt of a timely application, a court may permit the commission to intervene in a civil action filed by a complainant under this chapter ~~[Section 21.254]~~ if:

(1) the commission certifies that the case is of general public importance; and

(2) before commencement of the action the commission issued a determination of reasonable cause to believe that this chapter was violated.

SECTION \_\_\_\_\_. Section 21.2585, Labor Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) A complainant may recover punitive damages against a respondent~~[, other than a respondent that is a governmental entity,~~] if the complainant demonstrates that the respondent engaged in a discriminatory practice with malice or with reckless indifference to the state-protected rights of an aggrieved individual.

(b-1) An officer or employee of this state or a political subdivision of this state may not assert official immunity as a defense to an action brought under this chapter.

SECTION \_\_\_\_\_. Subchapter F, Chapter 21, Labor Code, is amended by adding Section 21.263 to read as follows:

Sec. 21.263. OTHER CAUSE OF ACTION PERMITTED.

Notwithstanding any other law, a remedy under this chapter is not exclusive and this chapter may not be construed to prohibit a complainant from bringing any other cause of action against a person.

SECTION \_\_\_\_\_. The following provisions of the Labor Code are repealed:

- (1) Section 21.202(a-1);
- (2) Section 21.253;
- (3) Section 21.254; and
- (4) Sections 21.2585(d) and (e).

SECTION \_\_\_\_\_. The changes in law made by this Act to Section 51.014 and Chapter 106, Civil Practice and Remedies Code, 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 as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION \_\_\_\_\_. The changes in law made by this Act to Chapter 21, Labor Code, apply only to an action based on conduct occurring on or after the effective date of this Act. An action based on conduct occurring before that date is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.