

BILL ANALYSIS

Senate Research Center
78R8058 AJA-D

H.B. 1297
By: Allen (Armbrister)
State Affairs
5/21/2003
Engrossed

DIGEST AND PURPOSE

Current law establishes state liability for indemnification of officers and employees acting in the course and scope of employment. Limits on indemnification for personal injuries and violations of rights are set at "\$100,000 to a single person and \$300,000 for a single occurrence," however, "occurrence" is not defined. H.B. 1297 defines "occurrence" and clarifies provisions relating to state liability for indemnification of state employees and officials.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 104.003, Civil Practice and Remedies Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Prohibits state liability for indemnification under this chapter, except as provided by Subsection (c) or a specific appropriation, from exceeding \$100,000 to each, rather than a single, person and \$300,000 for each, rather than a, single occurrence in the case of personal injury, death, or deprivation of a right, privilege, or immunity, and \$10,000 for each, rather than a, single occurrence of damage to property.

(d) Provides that, in this section, "occurrence" means a distinct event. Provides that multiple acts of negligence or separate occurrences of damages constitute a single occurrence if they result in or arise from the continuous or repeated exposure to the same conditions.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2003.