

## **BILL ANALYSIS**

Senate Research Center

S.B. 1478  
By: West  
Jurisprudence  
5/8/2003  
Committee Report (Amended)

### **DIGEST AND PURPOSE**

Currently, only the employee, who in good faith reports a violation of law by the employing governmental entity or another public employee to an appropriate law enforcement authority, is protected from certain adverse actions by the employing governmental entity. Also, the maximum award for certain future compensatory damages is \$250,000. S.B. 1478 adds protection to other employees who take action pursuant to the alleged violation and caps the damage amount at ten times the annual base salary of the employee who has experienced certain losses or pain as a result of reporting the law violation. This bill also requires the aggrieved employee need only prove the burden that the reporting of the alleged violation was a determining, not sole, factor that precipitated the adverse employment action.

### **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 554.002(a), Government Code, to include a person within the employing governmental entity who has authority to act on the violation to the list of persons a state or local governmental entity is prohibited from suspending or terminating the employment of, or taking other adverse personnel action against. Creates new subdivision (1) from existing text. Makes nonsubstantive changes.

SECTION 2. Amends Section 554.003(c), Government Code, to prohibit a public employee from recovering compensatory damages, for certain losses and pains, that exceed ten times the public employee's annual salary, exclusive of overtime compensation. Deletes existing text relating to other amounts that compensatory damages for certain future losses and pains is prohibited from exceeding.

SECTION 3. Amends Section 554.004(b), Government Code, to require the public employee to show that the report of the violation of law was a determining factor in the suspension, termination, or adverse personnel action. Provides that the public employee is not required to show that the suspension, termination, or adverse personnel action occurred solely because the employee made a report protected under this chapter of a violation of law. Deletes existing text relating to an affirmative defense to a suit under this chapter.

SECTION 4. Effective date: September 1, 2003.  
Makes application of this Act prospective.

### **LIST OF COMMITTEE AMENDMENTS**

Committee Amendment No. 1:

On page 1, line 14, between "violation" and ":", insert "or the report of a violation".

On page 2, line 19, strike "a" and replace with "the".