

BILL ANALYSIS

Senate Research Center

H.B. 1689
By: Burrows et al. (Perry)
Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties cite instances in which certain governmental entities have used the doctrine of sovereign immunity to shield themselves from sanctions, administrative penalties, and other remedies authorized for administrative violations of the Texas Workers' Compensation Act. H.B. 1689 seeks to address this issue by making political subdivisions that self-insure, along with the State Office of Risk Management, expressly liable for such remedies.

H.B. 1689 amends current law relating to liability of certain governmental entities in certain workers' compensation actions.

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 101.028, Civil Practice and Remedies Code, as follows:

Sec. 101.028. WORKERS' COMPENSATION INSURANCE. (a) Defines "political subdivision" to have the meaning assigned by Section 504.001 (Definitions), Labor Code.

(b) Creates this subsection from existing text and makes no further changes to this subsection.

(c) Provides that a political subdivision that self-insures either individually or collectively is liable for sanctions, administrative penalties, and other remedies authorized under Chapter 415 (Administrative Violations), Labor Code.

SECTION 2. Amends Section 504.053(e), Labor Code, to provide that nothing in this chapter (Workers' Compensation Insurance Coverage for Employees of Political Subdivisions) waives sovereign immunity or creates a new cause of action beyond the actions, damages, and remedies authorized by Chapter 101 (Tort Claims), Civil Practice and Remedies Code, rather than nothing in this chapter waives sovereign immunity or creates a new cause of action.

SECTION 3. Makes application of Section 101.028, Civil Practice and Remedies Code, as amended by this Act, prospective regarding a violation under Chapter 415, Labor Code.

SECTION 4. Effective date: upon passage or September 1, 2017.