

BILL ANALYSIS

Senate Research Center
78R17029 AJA-F

C.S.H.B. 1297
By: Allen (Armbrister)
State Affairs
5/23/2003
Committee Report (Substituted)

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. C.S.H.B. 1297 clarifies the meaning of 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 Subsections (a) and (c) 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 a single person indemnified and, if more than one person is indemnified, \$300,000 for 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.
- (c) Removes a provision stating that the limits on state liability provided by Subsection (a) do not apply if the person for whose acts the state is liable under this chapter is a member of the Texas Board of Criminal Justice.
- (d) Provides that, for the purposes of this section, a claim arises out of a single occurrence, if the claim arises from a common nucleus of operative facts, regardless of the number of claimants or the number of separate acts or omissions.

SECTION 2. Makes application of this Act prospective.

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