

1 AN ACT

2 relating to indemnification of phlebotomists performing services
3 under contract with the Texas Department of Criminal Justice.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 104.001, Civil Practice and Remedies
6 Code, is amended to read as follows:

7 Sec. 104.001. STATE LIABILITY; PERSONS COVERED. In a cause
8 of action based on conduct described in Section 104.002, the state
9 shall indemnify the following persons, without regard to whether
10 the persons performed their services for compensation, for actual
11 damages, court costs, and attorney's fees adjudged against:

12 (1) an employee, a member of the governing board, or
13 any other officer of a state agency, institution, or department;

14 (2) a former employee, former member of the governing
15 board, or any other former officer of a state agency, institution,
16 or department who was an employee or officer when the act or
17 omission on which the damages are based occurred;

18 (3) a physician or psychiatrist licensed in this state
19 who was performing services under a contract with any state agency,
20 institution, or department or a racing official performing services
21 under a contract with the Texas Racing Commission when the act or
22 omission on which the damages are based occurred;

23 (3-a) a phlebotomist licensed in this state who was
24 performing services under a contract with the Texas Department of

1 Criminal Justice when the act or omission on which the damages are
2 based occurred;

3 (4) a chaplain or spiritual advisor who was performing
4 services under contract with the Texas Department of Criminal
5 Justice, the Texas Youth Commission, or the Texas Juvenile
6 Probation Commission when the act or omission on which the damages
7 are based occurred;

8 (5) a person serving on the governing board of a
9 foundation, corporation, or association at the request and on
10 behalf of an institution of higher education, as that term is
11 defined by Section 61.003(8), Education Code, not including a
12 public junior college;

13 (6) a state contractor who signed a waste manifest as
14 required by a state contract; or

15 (7) the estate of a person listed in this section.

16 SECTION 2. The change in law made by this Act applies only
17 to a cause of action that accrues on or after the effective date of
18 this Act. A cause of action that accrues before the effective date
19 of this Act is governed by the law in effect immediately before the
20 effective date of this Act, and that law is continued in effect for
21 that purpose.

22 SECTION 3. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2007.

David Newkirk
President of the Senate

Tom Craddick
Speaker of the House

I certify that H.B. No. 1194 was passed by the House on March 22, 2007, by the following vote: Yeas 137, Nays 4, 2 present, not voting.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 1194 was passed by the Senate on May 15, 2007, by the following vote: Yeas 31, Nays 0.

Deisy Sosa
Secretary of the Senate

APPROVED: 15 JUN 07
Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3 PM O'CLOCK

Roger Williams
Secretary of State
JUN 15 2007