

CHAPTER 315

H.B. No. 2264

AN ACT

relating to representation of the office of the state long-term care ombudsman of the Department on Aging.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 101.051, Human Resources Code, is amended by amending Subdivision (4) and adding Subdivision (5) to read as follows:

(4) *“Representative” means an employee or volunteer specifically designated by the office as a representative of the office.*

(5) "State ombudsman" means the chief administrator of the office.

SECTION 2. Section 101.055, Human Resources Code, is amended to read as follows:

Sec. 101.055. LEGAL ASSISTANCE. The department shall ensure that the office receives adequate legal advice and representation. *The attorney general shall represent the ombudsman or a representative if a suit or other legal action is brought or threatened to be brought against that person in connection with the person's performance of the official duties of the office.*

SECTION 3. Section 101.063, Human Resources Code, is amended to read as follows:

Sec. 101.063. LIMITATION OF LIABILITY. An ombudsman *or a representative* is not liable for civil damages or subject to criminal prosecution for performing official duties unless the ombudsman *or representative* acts in bad faith or with a malicious purpose.

SECTION 4. Subchapter C, Chapter 101, Human Resources Code, as added by Section 1, Chapter 159, Acts of the 71st Legislature, Regular Session, 1989, is redesignated as Subchapter D.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 23, 1993, by a non-record vote; passed by the Senate on May 14, 1993: Yeas 29, Nays 0.

Approved May 27, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.