

1-1 By: Parker S.B. No. 1097
 1-2 (In the Senate - Filed February 22, 2023; March 9, 2023,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 April 12, 2023, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 11, Nays 0; April 12, 2023,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 1097 By: Hughes

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to liability of certain municipal hospital authorities
 1-24 under a contract for the sale of a hospital.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Subchapter C, Chapter 262, Health and Safety
 1-27 Code, is amended by adding Section 262.0335 to read as follows:

1-28 Sec. 262.0335. LIABILITY OF CERTAIN MUNICIPAL HOSPITAL
 1-29 AUTHORITIES UNDER CONTRACT FOR SALE OF HOSPITAL. (a) This section
 1-30 applies only to a municipal hospital authority wholly located in a
 1-31 county with a population of less than 70,000.

1-32 (b) A municipal hospital authority that enters into a
 1-33 contract to sell a hospital owned by the authority waives
 1-34 governmental immunity to suit for the purpose of adjudicating a
 1-35 claim for breach of the contract.

1-36 (c) For a breach of contract claim described by Subsection
 1-37 (b), a claimant may not be awarded:

1-38 (1) a total amount that exceeds the amount due and owed
 1-39 by the municipal hospital authority under the contract; or

1-40 (2) consequential or exemplary damages.

1-41 (d) A municipal hospital authority that enters into a
 1-42 contract to sell a hospital owned by the authority may indemnify the
 1-43 purchaser of the hospital according to the terms of the contract.

1-44 SECTION 2. The change in law made by this Act applies only
 1-45 to a contract entered into on or after the effective date of this
 1-46 Act.

1-47 SECTION 3. This Act takes effect immediately if it receives
 1-48 a vote of two-thirds of all the members elected to each house, as
 1-49 provided by Section 39, Article III, Texas Constitution. If this
 1-50 Act does not receive the vote necessary for immediate effect, this
 1-51 Act takes effect September 1, 2023.

1-52 * * * * *