

BILL ANALYSIS

S.B. 640
By: West
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Section 101.101, Civil Practice and Remedies Code (the Texas Tort Claims Act), provides that a governmental unit is entitled to receive notice of a claim against it prior to the institution of a lawsuit. Such notice must be given no later than 180 days after the incident that prompted the institution of the claim occurred.

Section 33.171, Natural Resources Code (Management of Coastal Public Land), provides that an owner of littoral property can bring suit for a declaratory judgment against the State of Texas. However, no provision in Section 33.171 provides that the state is entitled to receive the same notice of a claim against it as provided under the Texas Tort Claims Act. Therefore, in cases of suits involving owners of littoral property, the School Land Board is exposed to the distinct disadvantage of not having advance notice of the claim and subsequently loses the opportunity to settle the dispute without expensive, lengthy litigation.

The purpose of S.B. 640 is to require notice to the School Land Board in a lawsuit under Section 33.171 in the same manner as is provided in the Texas Tort Claims Act.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 33.171, Natural Resources Code, as follows:

Entitles the state to receive notice of a claim against the School Land Board not later than 180 days after the day the incident prompting the institution of the claim occurred.

Provides that the notice requirement is a jurisdictional prerequisite to the institution of suit.

SECTION 2. Effective date.

Act not retroactive.

EFFECTIVE DATE

September 1, 2003.