

1-1 By: Wentworth S.B. No. 1017
1-2 (In the Senate - Filed March 7, 2003; March 17, 2003, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 7, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 7, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1017 By: Harris

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the ability of a county to sue and be sued.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsection (a), Section 89.004, Local Government
1-13 Code, is amended to read as follows:

1-14 (a) A person may not file suit [~~sue~~] on a claim against a
1-15 county or an elected or appointed county official in the official's
1-16 capacity as an appointed or elected official unless the person has
1-17 presented the claim to the commissioners court and the
1-18 commissioners court neglects or refuses [~~has neglected or refused~~]
1-19 to pay all or part of the claim before the 60th day after the date of
1-20 the presentation of the claim.

1-21 SECTION 2. Subchapter A, Chapter 262, Local Government
1-22 Code, is amended by adding Section 262.007 to read as follows:

1-23 Sec. 262.007. SUIT AGAINST COUNTY ARISING UNDER A CONTRACT.

1-24 A county that is a party to a written contract may sue or be sued,
1-25 plead or be impleaded, or defend or be defended in any court on a
1-26 claim arising under the contract. A suit on a contract brought by a
1-27 county shall be brought in the name of the county, and a suit on a
1-28 contract brought against a county shall identify the county by
1-29 name.

1-30 SECTION 3. This Act takes effect September 1, 2003.

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