

1-1 By: Nixon (Senate Sponsor - Ellis) H.B. No. 2988
1-2 (In the Senate - Received from the House May 13, 2005;
1-3 May 16, 2005, read first time and referred to Committee on State
1-4 Affairs; May 20, 2005, reported favorably by the following vote:
1-5 Yeas 8, Nays 0; May 20, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to waiver of sovereign immunity.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 311.034, Government Code, is amended to
1-11 read as follows:

1-12 Sec. 311.034. WAIVER OF SOVEREIGN IMMUNITY. In order to
1-13 preserve the legislature's interest in managing state fiscal
1-14 matters through the appropriations process, a statute shall not be
1-15 construed as a waiver of sovereign immunity unless the waiver is
1-16 effected by clear and unambiguous language. In a statute, the use
1-17 of "person," as defined by Section 311.005 to include governmental
1-18 entities, does not indicate legislative intent to waive sovereign
1-19 immunity unless the context of the statute indicates no other
1-20 reasonable construction. Statutory prerequisites to a suit,
1-21 including the provision of notice, are jurisdictional requirements
1-22 in all suits against a governmental entity.

1-23 SECTION 2. This Act takes effect September 1, 2005.

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