

By: Phillips

H.B. No. 3557

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the waiving of sovereign immunity by certain  
3 municipalities for certain suits.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Add Section 272.006 to Local Government Code as  
6 follows:

7 Sec. 272.006. WAIVER OF SOVEREIGN IMMUNITY BY CERTAIN  
8 MUNICIPALITIES FOR CERTAIN SUITS.

9 (a) This section applies only to a home-rule municipality  
10 with a population of less than 30,000 in a county with a population  
11 of less than 140,000 that enters into a contract with a  
12 nongovernmental entity for the sale or conveyance of more than 400  
13 acres and less than 1,000 acres of land which the municipality  
14 acquires from an agency or department of the United States  
15 government.

16 (b) A municipality to which this section applies waives  
17 sovereign immunity to suit for the purpose of adjudicating a claim  
18 for the specific performance of a contract entered into by the  
19 municipality for the sale, purchase or exchange of not greater than  
20 1,000 acres nor less than 400 acres of land which the municipality  
21 has acquired from an agency or department of the United States.

22 (c) Relief in an adjudication brought against a  
23 municipality to which this section applies is limited to the  
24 following:

- 1           (1) Specific performance of the terms of the contract;
- 2           (2) Costs of court; and
- 3           (3) Attorney's fees.

4           SECTION 2. This Act takes effect September 1, 2009.