By: Estes S.B. No. 2587

A BILL TO BE ENTITLED

AN ACT

relating to the waiver of sovereign immunity from certain suits by certain municipalities.

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

SECTION 1. Chapter 272, Local Government Code, is amended by adding Section 272.006 to read as follows:

Sec. 272.006. WAIVER OF IMMUNITY FROM CERTAIN SUITS BY CERTAIN MUNICIPALITIES. (a) This section applies only to a home-rule municipality with a population of less than 30,000 that is located in a county with a population of less than 140,000.

(b) A municipality waives sovereign immunity from suit for the purpose of adjudicating a claim for breach of contract if the municipality enters into a contract with a private entity for the sale or conveyance of not less than 400 or more than 1,000 acres of land that was acquired by the municipality from an agency of the United States.

(c) A plaintiff who prevails in an action brought under this section against a municipality is entitled only to specific performance of the terms of the contract, reasonable attorney's fees, and costs of court.

SECTION 2. The change in law made by Section 272.006, Local Government Code, as added by this Act, applies only to a contract entered into on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2009.