

By: Estes

S.B. No. 2587

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the waiver of sovereign immunity from certain suits by
3 certain municipalities.

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

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

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

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

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

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

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