

By: Eiland

H.B. No. 2714

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a waiver of sovereign immunity by public institutions
3 of higher education with respect to certain contracts paid using
4 institutional funds.

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

6 SECTION 1. Section 51.002, Education Code, is amended by
7 adding Subsection (a-1) to read as follows:

8 (a-1) The governing board of an institution may not claim
9 sovereign immunity in any lawsuit for a claim arising under a
10 contract paid wholly or partly with money described by Subsection
11 (a), and the institution is liable for damages under that claim to
12 the extent that money described by Subsection (a) available to the
13 institution is unencumbered by preexisting legal obligations.

14 SECTION 2. The change in law made by this Act applies only
15 to a civil cause of action that accrues on or after the effective
16 date of this Act. An action that accrued before the effective date
17 of this Act is governed by the law in effect at the time the action
18 accrued, and that law is continued in effect for that purpose.

19 SECTION 3. This Act takes effect September 1, 2013.