

1 AN ACT

2 relating to waiver of sovereign immunity.

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

4 SECTION 1. Section 311.034, Government Code, is amended to
5 read as follows:

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

17 SECTION 2. This Act takes effect September 1, 2005.

David Dewhurst

President of the Senate

Jim Cullum

Speaker of the House

I certify that H.B. No. 2988 was passed by the House on May 12, 2005, by a non-record vote.

Robert Hines

Chief Clerk of the House

I certify that H.B. No. 2988 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Lately Saw

Secretary of the Senate

APPROVED:

18 JUNE '05

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
12:20 PM O'CLOCK

Roger Williams

Secretary of State