

## **BILL ANALYSIS**

Senate Research Center  
78R5924 ATP-F

S.B. 1017  
By: Wentworth  
Jurisprudence  
3/28/2003  
As Filed

### **DIGEST AND PURPOSE**

In May 2002, the Texas Supreme Court held that Section 89.004, Local Government Code, does not clearly and unambiguously waive immunity from suit for claims against counties. As proposed, S.B. 1017 adds Subsection (a) to Section 89.004, Local Government Code, to clearly state that a county may sue or be sued.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 89.004, Local Government Code, as follows:

Sec. 89.004. New heading: SUIT AGAINST COUNTY; PRESENTATION OF CLAIM. (a) Authorizes a county to sue or be sued, plead or be impleaded, or defend or be defended in any court. Requires a suit brought by a county to be brought in the name of the county, and a suit brought against a county to identify the county by name.

(b) Redesignated from a portion of Subsection (a) and combined with existing Subsection(b).

SECTION 2. Effective date: September 1, 2003.