

Amend CSSB 20 by inserting the following appropriately numbered SECTIONS and renumbering SECTIONS of the bill appropriately:

SECTION _____. Subtitle E, Title 10, Government Code, is amended by adding Chapter 2207 to read as follows:

CHAPTER 2207. REAL PROPERTY CONTRACTS

Sec. 2207.001. APPLICABILITY OF CHAPTER. This chapter applies only to a written contract entered into by the state, including a subdivision of the state, that states the essential terms of an agreement relating to the transfer of real property to or from the state or subdivision of the state.

Sec. 2207.002. WAIVER OF SOVEREIGN OR GOVERNMENTAL IMMUNITY. A contract to which this chapter applies waives sovereign or governmental immunity from suit to the extent of liability created by this chapter for the purpose of adjudicating a claim for breach of the contract.

Sec. 2207.003. DAMAGES AND OTHER RELIEF. (a) In a suit against the state or a subdivision of the state for breach of a contract to which this chapter applies, the claimant may be awarded, in addition to actual damages authorized by this section, specific performance or injunctive relief.

(b) In a suit against the state or a subdivision of the state for breach of a contract to which this chapter applies, a money judgment against the state or subdivision of the state may include only:

(1) the balance due and owed by the state or subdivision of the state under the contract as it may have been amended, including any amount owed to compensate the claimant for the increased cost to perform under the terms of the contract as a direct result of an act, omission, or failure to act by the state or subdivision of the state;

(2) reasonable and necessary attorney's fees the award of which is equitable and just;

(3) all consequential damages resulting from the breach of contract; and

(4) any interest provided by law, including, if applicable, interest under Chapter 2251.

(c) Damages awarded in an action under this section may not include exemplary damages.

SECTION _____. Notwithstanding any other provision of this Act, Chapter 2207, Government Code, as added by this Act, applies to a claim that arises under a contract entered into before the effective date of this Act only if sovereign or governmental immunity from suit has not been waived with respect to the claim before the effective date of this Act. A claim that arises under a contract entered into before the effective date of this Act with respect to which sovereign or governmental immunity from suit has been waived before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.