

By: Burns

H.B. No. 966

A BILL TO BE ENTITLED

AN ACT

relating to the award of attorney's fees and other costs in certain suits involving a groundwater conservation district.

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

SECTION 1. Section 36.066, Water Code, is amended by amending Subsections (g) and (h) and adding Subsection (i) to read as follows:

(g) If the district prevails in any suit other than a suit in which it voluntarily intervenes, the district may seek and the court may [~~shall~~] grant, in the interests of justice and as provided by Subsection (h), in the same action, recovery for attorney's fees, costs for expert witnesses, and other costs incurred by the district before the court. The amount of the attorney's fees shall be fixed by the court.

(h) If the district prevails on some, but not all, of the issues in the suit, the court may [~~shall~~] award attorney's fees and costs only for those issues on which the district prevails. The district has the burden of segregating the attorney's fees and costs in order for the court to make an award.

(i) Notwithstanding Section 36.052(a), Subsections (g) and (h) of this section prevail over any special law inconsistent with those subsections.

SECTION 2. Section 36.102, Water Code, is amended by amending Subsection (d) and adding Subsection (f) to read as

1 follows:

2 (d) If the district prevails in any suit to enforce its
3 rules, the district may seek and the court may [~~shall~~] grant against
4 any person, in the same action, recovery for attorney's fees, costs
5 for expert witnesses, and other costs incurred by the district
6 before the court. The amount of the attorney's fees shall be fixed
7 by the court.

8 (f) Notwithstanding Section 36.052(a), Subsection (d) of
9 this section prevails over any special law inconsistent with that
10 subsection.

11 SECTION 3. The changes in law made by this Act apply only to
12 a suit involving a groundwater conservation district that is filed
13 on or after the effective date of this Act. A suit filed before the
14 effective date of this Act is subject to the law in effect on the
15 date the suit is filed, and that law is continued in effect for that
16 purpose.

17 SECTION 4. This Act takes effect September 1, 2021.