

By: Duncan

S.B. No. 1207

A BILL TO BE ENTITLED

AN ACT

relating to state liability for costs and attorney's fees in certain actions seeking declaratory judgment.

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

SECTION 1. Section 37.009, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 37.009. COSTS. (a) Except as provided by Subsection (b), in [In] any proceeding under this chapter, the court may award costs and reasonable and necessary attorney's fees as are equitable and just.

(b) The state and any state agency are not liable for costs and attorney's fees associated with an action seeking declaratory judgment regarding construction of a state agency's powers or duties under the agency's enabling statute.

SECTION 2. This Act takes effect September 1, 2003, and applies only to an action filed on or after the effective date of this Act. An action filed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.