

By: Goolsby

H.B. No. 2725

A BILL TO BE ENTITLED

AN ACT

relating to the recovery of certain attorney's fees and costs incurred in certain proceedings to review decisions made by the State Commission on Judicial Conduct.

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

SECTION 1. Section 33.031, Government Code, is amended to read as follows:

Sec. 33.031. ~~[NO]~~ AWARD OF COSTS AND ATTORNEY'S FEES;  
WAIVER OF SOVEREIGN IMMUNITY. (a) Except as provided by Subsection (b), court ~~[Court]~~ costs or attorney's fees may not be awarded in a proceeding under this chapter.

(b) A judge who prevails in a proceeding under Section 33.034 may bring an action against the state to recover reasonable attorney's fees, litigation expenses, and other costs incurred with respect to that proceeding. The sovereign immunity of the state from suit and from liability is waived and abolished to the extent necessary to recover under this subsection.

SECTION 2. (a) Subject to Subsection (b), the change in law made by this Act applies to a proceeding to review a decision made by the State Commission on Judicial Conduct that was commenced or pending on or after January 1, 2006.

(b) A judge who, on or before the 30th day after the effective date of this Act, prevails in a proceeding under Section 33.034, Government Code, to review a decision made by the State

1 Commission on Judicial Conduct must bring an action against the  
2 state under Section 33.031, Government Code, as amended by this  
3 Act, not later than January 1, 2008, or the action is barred.

4       SECTION 3. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2007.