

BILL ANALYSIS

H.B. 2294
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

A recent court case held that a provision of state law relating to declaratory judgments waives sovereign immunity for challenges to the validity of state statutes. The most significant consequence of this decision is that the state could be joined, and ultimately ordered, to pay attorney's fees in certain statutory construction suits. Because of the prevalence of such suits, the court's decision could result in a substantial drain on state resources in terms of attorney fee awards and litigation resources that would have to be devoted to the suits in which the state has no interest. Furthermore, if the decision stands, it will prevent the state from taking interlocutory appeals based on sovereign immunity in response to trial court orders denying pleas to the jurisdiction in cases involving meritless challenges. Since these interlocutory appeals stay all trial court proceedings, the appeals serve to prevent wasting state money and resources on unnecessary litigation. The purpose of H.B. 2294 is to clarify that provisions in law relating to declaratory judgments do not waive sovereign immunity.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2294 amends the Civil Practice and Remedies Code to clarify that provisions in law relating to declaratory judgments do not waive sovereign immunity.

EFFECTIVE DATE

September 1, 2011.