

By: Smithee

H.B. No. 3641

A BILL TO BE ENTITLED

AN ACT

1
2 relating to payment of attorney's fees in an action brought under
3 Chapter 37 of the Texas Civil Practice and Remedies Code.

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

5 SECTION 1. Sec. 37.009., Civil Practices and Remedies Code,
6 is amended to read as follows: COSTS.

7 (a) In any proceeding under this chapter, the court may
8 award costs and reasonable and necessary attorney's fees as are
9 equitable and just.

10 (b) A court may not award a total recovery of attorney's
11 fees more than \$250,000 for a suit brought under this chapter if
12 the declaratory relief is sought against the State government as
13 defined by Section 101.001(6) Civil Practice and Remedies Code.

14 SECTION 2. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2015.