

1-1 By: Kolkhorst S.B. No. 1600  
 1-2 (In the Senate - Filed March 12, 2015; March 23, 2015, read  
 1-3 first time and referred to Committee on State Affairs;  
 1-4 April 29, 2015, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 7, Nays 1; April 29, 2015,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Huffman	X			
1-9 Ellis		X		
1-10 Birdwell	X			
1-11 Creighton	X			
1-12 Estes	X			
1-13 Fraser	X			
1-14 Nelson	X			
1-15 Schwertner	X			
1-16 Zaffirini			X	

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1600 By: Schwertner

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to a limit on the award of attorney's fees in certain  
 1-22 proceedings brought against the state or an agency of the state.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 37.009, Civil Practice and Remedies  
 1-25 Code, is amended to read as follows:

1-26 Sec. 37.009. COSTS. (a) Subject to Subsection (b), in a  
 1-27 [In any] proceeding under this chapter, the court may award costs  
 1-28 and reasonable and necessary attorney's fees as are equitable and  
 1-29 just.

1-30 (b) In a proceeding under this chapter in which declaratory  
 1-31 relief is sought against the state or an agency of the state, the  
 1-32 amount of attorney's fees awarded may not exceed \$250,000.

1-33 SECTION 2. The change in law made by this Act applies only  
 1-34 to a proceeding commenced on or after the effective date of this  
 1-35 Act. A proceeding commenced before the effective date of this Act  
 1-36 is governed by the law applicable to the proceeding immediately  
 1-37 before the effective date of this Act, and that law is continued in  
 1-38 effect for that purpose.

1-39 SECTION 3. This Act takes effect immediately if it receives  
 1-40 a vote of two-thirds of all the members elected to each house, as  
 1-41 provided by Section 39, Article III, Texas Constitution. If this  
 1-42 Act does not receive the vote necessary for immediate effect, this  
 1-43 Act takes effect September 1, 2015.

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