

BILL ANALYSIS

S.B. 813
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties have expressed concerns regarding instances in which Texans facing regulatory action by a state agency find themselves at a distinct financial disadvantage because of limited available resources and the relative absence of restraints against the state. The parties assert that given this disparity, some individuals and businesses may feel compelled to accept unfair sanctions because they cannot afford to challenge an agency's pursuit of regulatory action. S.B. 813 seeks to address this issue by providing for the recovery of damages, attorney's fees, and costs related to frivolous regulatory actions by state agencies.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

S.B. 813 amends the Civil Practice and Remedies Code to authorize a claimant to bring an action against a state agency if the state agency takes a regulatory action against the claimant that is frivolous, unreasonable, or without foundation. The bill authorizes a claimant in such an action to recover, in addition to all other costs allowed by law or rule, the damages caused by the state agency's frivolous regulatory action, reasonable attorney's fees, and court costs. The bill authorizes a person to recover, in addition to all other costs allowed by law or rule, reasonable attorney's fees and costs incurred in defending against a frivolous regulatory action during an administrative proceeding and judicial review of that proceeding if the person prevails in the judicial review of an administrative proceeding and the state agency is unable to demonstrate that the agency has good cause for the regulatory action.

EFFECTIVE DATE

September 1, 2017.