

1-1 By: Huffines S.B. No. 635
 1-2 (In the Senate - Filed January 27, 2017; February 13, 2017,
 1-3 read first time and referred to Committee on Intergovernmental
 1-4 Relations; May 2, 2017, reported favorably by the following vote:
 1-5 Yeas 5, Nays 1; May 2, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7	X			
1-8	X			
1-9	X			
1-10	X			
1-11		X		
1-12	X			
1-13			X	
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the award of court costs and attorney's fees in certain
 1-18 actions challenging an order, ordinance, or similar measure of a
 1-19 political subdivision or the failure of an officer of a political
 1-20 subdivision to perform certain actions.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subtitle C, Title 2, Civil Practice and Remedies
 1-23 Code, is amended by adding Chapter 38A to read as follows:

1-24 CHAPTER 38A. AWARD OF COURT COSTS AND ATTORNEY'S FEES IN CERTAIN
 1-25 ACTIONS

1-26 Sec. 38A.001. PREEMPTION CHALLENGE AGAINST POLITICAL
 1-27 SUBDIVISION. If a court determines that an order, ordinance, or
 1-28 similar measure of a political subdivision is unenforceable because
 1-29 it is preempted by the state constitution or a state statute, the
 1-30 court shall award the person prevailing in the action challenging
 1-31 the order, ordinance, or measure on that basis court costs and
 1-32 reasonable and necessary attorney's fees to be paid by the
 1-33 political subdivision.

1-34 Sec. 38A.002. FAILURE OF OFFICER OF POLITICAL SUBDIVISION
 1-35 TO PERFORM CERTAIN ACTIONS. If a court determines that an officer
 1-36 of a political subdivision has failed to perform an act of the
 1-37 office required by the state constitution or a state statute, the
 1-38 court shall award the person prevailing in the action challenging
 1-39 the officer for failure to perform that act court costs and
 1-40 reasonable and necessary attorney's fees to be paid by the
 1-41 political subdivision for which the officer served at the time of
 1-42 the failure to perform the act.

1-43 SECTION 2. This Act applies only to an action commenced on
 1-44 or after the effective date of this Act. An action commenced before
 1-45 the effective date of this Act is governed by the law applicable to
 1-46 the action immediately before the effective date of this Act, and
 1-47 that law is continued in effect for that purpose.

1-48 SECTION 3. This Act takes effect September 1, 2017.

1-49 * * * * *