

1-1 By: Hughes, et al. S.B. No. 813
 1-2 (In the Senate - Filed February 9, 2017; February 27, 2017,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 April 3, 2017, reported favorably by the following vote: Yeas 8,
 1-5 Nays 1; April 3, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15		X		
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to recovery of damages, attorney's fees, and costs related
 1-20 to frivolous regulatory actions by state agencies.

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

1-22 SECTION 1. The heading to Chapter 105, Civil Practice and
 1-23 Remedies Code, is amended to read as follows:

1-24 CHAPTER 105. FRIVOLOUS CLAIM OR REGULATORY ACTION BY STATE AGENCY
 1-25 SECTION 2. The heading to Section 105.002, Civil Practice
 1-26 and Remedies Code, is amended to read as follows:

1-27 Sec. 105.002. RECOVERY OF FEES, EXPENSES, AND ATTORNEY'S
 1-28 FEES FOR FRIVOLOUS CLAIM.

1-29 SECTION 3. Chapter 105, Civil Practice and Remedies Code,
 1-30 is amended by adding Sections 105.005 and 105.006 to read as
 1-31 follows:

1-32 Sec. 105.005. CAUSE OF ACTION FOR FRIVOLOUS REGULATORY
 1-33 ACTION. (a) A claimant may bring an action against a state agency
 1-34 if the state agency takes a regulatory action against the claimant
 1-35 that is frivolous, unreasonable, or without foundation.

1-36 (b) In an action brought under this section, a claimant may
 1-37 recover, in addition to all other costs allowed by law or rule, the
 1-38 damages caused by the state agency's frivolous regulatory action,
 1-39 reasonable attorney's fees, and court costs.

1-40 Sec. 105.006. RECOVERY OF ATTORNEY'S FEES AND COSTS IN
 1-41 FRIVOLOUS REGULATORY ACTION. A person may recover, in addition to
 1-42 all other costs allowed by law or rule, reasonable attorney's fees
 1-43 and costs incurred in defending against a frivolous regulatory
 1-44 action during an administrative proceeding and judicial review of
 1-45 that proceeding if:

1-46 (1) the person prevails in the judicial review of an
 1-47 administrative proceeding; and

1-48 (2) the state agency is unable to demonstrate that the
 1-49 agency has good cause for the regulatory action.

1-50 SECTION 4. The change in law made by this Act applies only
 1-51 to a regulatory action taken on or after the effective date of this
 1-52 Act. A regulatory action taken before the effective date of this
 1-53 Act is governed by the law applicable to the regulatory action
 1-54 immediately before the effective date of this Act, and that law is
 1-55 continued in effect for that purpose.

1-56 SECTION 5. This Act takes effect September 1, 2017.

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