

By: Perry

S.B. No. 862

A BILL TO BE ENTITLED

AN ACT

relating to the award of attorney's fees and other costs in certain proceedings involving a groundwater conservation district.

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

SECTION 1. Section 36.066(g), Water Code, is amended to read as follows:

(g) In a suit to which ~~[If]~~ the district is a party, ~~[prevails in any suit other than a suit in which it voluntarily intervenes, the district may seek and]~~ the court may ~~[shall]~~ grant reasonable and necessary ~~[, in the interests of justice and as provided by Subsection (h), in the same action, recovery for]~~ attorney's fees, costs for expert witnesses, and other costs incurred by the prevailing party ~~[district]~~ before the court as are equitable and just. The court may not award attorney's fees in an amount that exceeds \$250,000. ~~[The amount of the attorney's fees shall be fixed by the court.]~~

SECTION 2. Section 36.102(d), Water Code, is amended to read as follows:

(d) In ~~[If the district prevails in]~~ any suit to enforce the district's ~~[its]~~ rules, the ~~[district may seek and the]~~ court may ~~[shall]~~ grant reasonable and necessary ~~[against any person, in the same action, recovery for]~~ attorney's fees, costs for expert witnesses, and other costs incurred by the prevailing party ~~[district]~~ before the court as are equitable and just. The court

1 may not award attorney's fees in an amount that exceeds \$250,000.

2 [~~The amount of the attorney's fees shall be fixed by the court.~~]

3 SECTION 3. Section 36.066(h), Water Code, is repealed.

4 SECTION 4. The changes in law made by this Act apply only to  
5 a proceeding commenced under Chapter 36, Water Code, on or after the  
6 effective date of this Act. A proceeding commenced before the  
7 effective date of this Act is governed by the law applicable to the  
8 proceeding immediately before the effective date of this Act, and  
9 that law is continued in effect for that purpose.

10 SECTION 5. This Act takes effect September 1, 2017.