

1-1 By: Perry S.B. No. 862  
 1-2 (In the Senate - Filed February 14, 2017;  
 1-3 February 27, 2017, read first time and referred to Committee on  
 1-4 Agriculture, Water & Rural Affairs; April 6, 2017, reported  
 1-5 adversely, with favorable Committee Substitute by the following  
 1-6 vote: Yeas 4, Nays 3; April 6, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Perry	X			
1-9 Rodríguez		X		
1-10 Creighton	X			
1-11 Hall	X			
1-12 Hinojosa		X		
1-13 Kolkhorst		X		
1-14 Miles	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 862 By: Kolkhorst

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

1-19 relating to the award of attorney's fees and other costs in certain  
 1-20 proceedings involving a groundwater conservation district.

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

1-22 SECTION 1. Section 36.066(g), Water Code, is amended to  
 1-23 read as follows:

1-24 (g) In a suit to which [If] the district is a party,  
 1-25 [prevails in any suit other than a suit in which it voluntarily  
 1-26 intervenes, the district may seek and] the court may [shall] grant  
 1-27 reasonable and necessary[, in the interests of justice and as  
 1-28 provided by Subsection (h), in the same action, recovery for]  
 1-29 attorney's fees, costs for expert witnesses, and other costs  
 1-30 incurred by the prevailing party [district] before the court as are  
 1-31 equitable and just. [The amount of the attorney's fees shall be  
 1-32 fixed by the court.]

1-33 SECTION 2. Section 36.102(d), Water Code, is amended to  
 1-34 read as follows:

1-35 (d) In [If the district prevails in] any suit to enforce the  
 1-36 district's [its] rules, the [district may seek and the] court may  
 1-37 [shall] grant reasonable and necessary [against any person, in the  
 1-38 same action, recovery for] attorney's fees, costs for expert  
 1-39 witnesses, and other costs incurred by the prevailing party  
 1-40 [district] before the court as are equitable and just. [The amount  
 1-41 of the attorney's fees shall be fixed by the court.]

1-42 SECTION 3. Section 36.066(h), Water Code, is repealed.

1-43 SECTION 4. The changes in law made by this Act apply only to  
 1-44 a proceeding commenced under Chapter 36, Water Code, on or after the  
 1-45 effective date of this Act. A proceeding commenced before the  
 1-46 effective date of this Act is governed by the law applicable to the  
 1-47 proceeding immediately before the effective date of this Act, and  
 1-48 that law is continued in effect for that purpose.

1-49 SECTION 5. This Act takes effect September 1, 2017.

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