86R8109 SLB-D

By:  Oliverson H.B. No. 1155

A BILL TO BE ENTITLED

AN ACT

relating to the recovery of attorney's fees and court costs awarded in certain actions involving the unlawful waste or diversion of water.

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

SECTION 1.  Section 11.086(b), Water Code, is amended to read as follows:

(b)  A person whose property is injured by an overflow of water caused by an unlawful diversion or impounding has remedies at law and in equity and may recover damages occasioned by the overflow. The prevailing party in a suit filed to recover relief for a violation of this section is entitled to recover reasonable attorney's fees and court costs.

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

SECTION 3.  This Act takes effect September 1, 2019.