

By: Burns

H.B. No. 2125

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 36.066, Water Code, is amended by amending Subsection (g) and adding Subsection (i) to read as follows:

(g) If the district prevails in any suit other than a suit in which it voluntarily intervenes, the district may seek and the court may ~~shall~~ grant, 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 district before the court. The amount of the attorney's fees shall be fixed by the court in an amount not to exceed \$100,000.

(i) Notwithstanding Section 36.052(a), Subsections (g) and (h) of this section prevail over any other special law inconsistent with those subsections unless the other law:

(1) limits an award of attorney's fees in a suit to an amount less than \$100,000; or

(2) prohibits an award of attorney's fees or costs.

SECTION 2. The changes in law made by this Act apply only to a suit involving a groundwater conservation district that is filed on or after the effective date of this Act. A suit filed before the effective date of this Act is subject to the law in effect on the

1 date the suit is filed, and that law is continued in effect for that
2 purpose.

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