

1-1 By: Watson S.B. No. 988  
 1-2 (In the Senate - Filed February 22, 2019; March 1, 2019,  
 1-3 read first time and referred to Committee on Business & Commerce;  
 1-4 April 1, 2019, reported favorably by the following vote: Yeas 7,  
 1-5 Nays 0; April 1, 2019, 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 the assessment of litigation costs and attorney's fees  
 1-20 in certain actions under the public information law.

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

1-22 SECTION 1. Section 552.323(b), Government Code, is amended  
 1-23 to read as follows:

1-24 (b) In an action brought under Section 552.324, the court  
 1-25 may not assess costs of litigation or ~~and~~ reasonable attorney's  
 1-26 fees incurred by a plaintiff or defendant who substantially  
 1-27 prevails unless the court finds the action or the defense of the  
 1-28 action was groundless in fact or law. In exercising its discretion  
 1-29 under this subsection, the court shall consider whether the conduct  
 1-30 of the governmental body had a reasonable basis in law and whether  
 1-31 the litigation was brought in good faith.

1-32 SECTION 2. The change in law made by this Act applies only  
 1-33 to an action brought on or after the effective date of this Act. An  
 1-34 action brought before the effective date of this Act is governed by  
 1-35 the law as it existed immediately before the effective date of this  
 1-36 Act, and that law is continued in effect for that purpose.

1-37 SECTION 3. This Act takes effect September 1, 2019.

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