

By: Dorazio

H.B. No. 2119

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Sections 36.066(g) and (h), Water Code, are amended to read as follows:

(g) Except for ~~[If the district prevails in any suit other than]~~ a suit in which a district ~~[it]~~ voluntarily intervenes, the prevailing party in a suit governed by this section ~~[district]~~ may seek and the court 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 prevailing party ~~[district]~~ before the court. The amount of the attorney's fees shall be fixed by the court.

(h) The court shall award to a prevailing party that ~~[If the district]~~ prevails on some, but not all, of the issues in the suit ~~[, the court shall award]~~ attorney's fees and costs only for those issues on which the party ~~[district]~~ prevails. The prevailing party ~~[district]~~ has the burden of segregating the attorney's fees and costs in order for the court to make an award.

SECTION 2. Section 36.066, Water Code, as amended by this Act, applies 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

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

3 SECTION 3. This Act takes effect September 1, 2023.