

By: Spiller

H.B. No. 3060

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to actions brought by the attorney general on behalf of  
3 certain persons under the Texas Free Enterprise and Antitrust Act  
4 of 1983.

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

6 SECTION 1. Section 15.21, Business & Commerce Code, is  
7 amended by adding Subsections (d) and (e) to read as follows:

8 (d) The attorney general may bring a civil action against a  
9 person on behalf of an individual or governmental entity for injury  
10 to that individual's or entity's business or property caused,  
11 directly or indirectly, by the person's violation of Section  
12 15.05(a), (b), or (c) only if the attorney general notifies in  
13 writing any governmental entity of the attorney general's intention  
14 to bring any such action on the governmental entity's behalf. At  
15 any time within 30 days after receiving the notice, the  
16 governmental entity may, by formal resolution of its governing body  
17 or as otherwise specifically provided by applicable law, withdraw  
18 the authority of the attorney general to bring the intended action.  
19 An action under this subsection may be brought in district court in  
20 Travis County, or in any county in this state in which a named  
21 defendant resides, does business, or maintains a principal office,  
22 or in which the individual or governmental entity on whose behalf  
23 the action is brought resides at the time of the cause of action or  
24 any part of the cause of action accrues. If the attorney general

1 prevails in an action under this subsection and except as otherwise  
2 provided by this subsection, the attorney general shall recover  
3 actual damages sustained by the individual or governmental entity,  
4 interest on actual damages for the period beginning on the date of  
5 service of the attorney general's pleading setting forth a claim  
6 under the antitrust laws and ending on the date of judgment (the  
7 rate of such interest to be in accordance with Texas law regarding  
8 postjudgment interest rates and the amount of interest to be  
9 adjusted by the court if it finds the award of all or part of such  
10 interest is unjust in the circumstances), and the cost of suit,  
11 including a reasonable attorney's fee, and if applicable, expert  
12 witness fees. If the trier of fact finds the unlawful conduct was  
13 willful or flagrant, the court shall increase the recovery to  
14 threefold the damages sustained and the cost of suit, including a  
15 reasonable attorney's fee and, if applicable, expert witness fees.  
16 Interest on actual damages as specified above may not be recovered  
17 when recovered damages are increased threefold. In an action under  
18 this subsection in which a claim is asserted against a defendant  
19 relating to injury to both direct and indirect purchasers, the  
20 court shall take all steps necessary to avoid duplicative recovery  
21 from that defendant. In any action brought under this section on  
22 behalf of any governmental entity, the state shall retain for  
23 deposit to the credit of the general revenue fund, out of the  
24 proceeds, if any, resulting from such action, an amount equal to the  
25 expense incurred by the state in the investigation and prosecution  
26 of such action.

27 (e) For purposes of this section, "governmental entity"

1 means:

2 (1) this state, including each department, board,  
3 agency, instrumentality, authority, or commission of this state;

4 (2) a political subdivision of this state, including a  
5 county, city, municipality, school district, local improvement  
6 district, law enforcement authority, or special district,  
7 including a water, sanitation, fire protection, metropolitan,  
8 irrigation, drainage, or other special district;

9 (3) a municipal, quasi-municipal, or public  
10 corporation organized under the Texas Constitution or other law;  
11 and

12 (4) a department, board, agency, instrumentality,  
13 authority, or commission of an entity described by Subdivision (2)  
14 or (3).

15 SECTION 2. Sections 15.21(d) and (e), Business & Commerce  
16 Code, as added by this Act, apply only to a cause of action that  
17 accrues on or after the effective date of this Act.

18 SECTION 3. This Act takes effect September 1, 2025.