

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 36.066(g), Water Code, is amended to read as follows:

(g) In a suit to which ~~[if]~~ the district is a party,
~~[prevails in any suit other than a suit in which it voluntarily intervenes, the district may seek and]~~ the court may ~~[shall]~~ grant reasonable and necessary ~~[, 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 as the court considers equitable and just. The court may not award more than \$250,000 in attorney's fees. ~~[The amount of the attorney's fees shall be fixed by the court.]~~

SECTION 2. Section 36.102(d), Water Code, is amended to read as follows:

(d) In a [~~If the district prevails in any~~] suit to enforce the district's [~~its~~] rules, the [~~district may seek and the~~] court may [~~shall~~] grant reasonable and necessary [~~against any person, 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 as the court considers equitable and just. [~~The amount of the attorney's fees shall be fixed by the court.~~]

SECTION 3. Section 36.066(h), Water Code, is repealed.

SECTION 4. Sections 36.066(g) and 36.102(d), Water Code, as amended by this Act, apply only to an action filed on or after the effective date of this Act. An action that is filed 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 5. This Act takes effect September 1, 2019.