

1-1 By: Smithee (Senate Sponsor - Watson) H.B. No. 2783
 1-2 (In the Senate - Received from the House May 3, 2017;
 1-3 May 4, 2017, read first time and referred to Committee on Business
 1-4 & Commerce; May 15, 2017, reported favorably by the following vote:
 1-5 Yeas 9, Nays 0; May 15, 2017, 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 fees in
 1-20 certain lawsuits 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(a), Government Code, is amended
 1-23 to read as follows:

1-24 (a) In an action brought under Section 552.321 or 552.3215,
 1-25 the court shall assess costs of litigation and reasonable attorney
 1-26 fees incurred by a plaintiff who substantially prevails or may
 1-27 assess costs of litigation and reasonable attorney fees incurred by
 1-28 a plaintiff to whom a governmental body voluntarily releases the
 1-29 requested information after filing an answer to the suit, except
 1-30 that the court may not assess those costs and fees against a
 1-31 governmental body if the court finds that the governmental body
 1-32 acted in reasonable reliance on:

1-33 (1) a judgment or an order of a court applicable to the
 1-34 governmental body;

1-35 (2) the published opinion of an appellate court; or

1-36 (3) a written decision of the attorney general,
 1-37 including a decision issued under Subchapter G or an opinion issued
 1-38 under Section 402.042.

1-39 SECTION 2. The change in law made by this Act applies only
 1-40 to a suit filed on or after the effective date of this Act. A suit
 1-41 filed before the effective date of this Act is governed by the law
 1-42 in effect immediately before the effective date of this Act, and
 1-43 that law is continued in effect for that purpose.

1-44 SECTION 3. This Act takes effect September 1, 2017.

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