

By: Oliverson

H.B. No. 1155

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the recovery of attorney's fees and court costs awarded  
3 in certain actions involving the unlawful waste or diversion of  
4 water.

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

6 SECTION 1. Section 11.086(b), Water Code, is amended to  
7 read as follows:

8 (b) A person whose property is injured by an overflow of  
9 water caused by an unlawful diversion or impounding has remedies at  
10 law and in equity and may recover damages occasioned by the  
11 overflow. The prevailing party in a suit filed to recover relief  
12 for a violation of this section is entitled to recover reasonable  
13 attorney's fees and court costs.

14 SECTION 2. This Act applies only to an action commenced on  
15 or after the effective date of this Act. An action commenced before  
16 the effective date of this Act is governed by the law applicable to  
17 the action immediately before the effective date of this Act, and  
18 that law is continued in effect for that purpose.

19 SECTION 3. This Act takes effect September 1, 2019.