

1-1 By: Perry S.B. No. 851
 1-2 (In the Senate - Filed February 15, 2019; March 1, 2019,
 1-3 read first time and referred to Committee on Water & Rural Affairs;
 1-4 April 4, 2019, reported favorably by the following vote: Yeas 4,
 1-5 Nays 2; April 4, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Perry	X			
1-8 Creighton	X			
1-9 Alvarado			X	
1-10 Johnson		X		
1-11 Kolkhorst	X			
1-12 Rodríguez		X		
1-13 Taylor	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the award of attorney's fees and other costs in certain
 1-18 proceedings involving a groundwater conservation district.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 36.066(g), Water Code, is amended to
 1-21 read as follows:

1-22 (g) In a suit to which [If] the district is a party,
 1-23 [prevails in any suit other than a suit in which it voluntarily
 1-24 intervenes, the district may seek and] the court may [shall] grant
 1-25 reasonable and necessary[, in the interests of justice and as
 1-26 provided by Subsection (h), in the same action, recovery for]
 1-27 attorney's fees, costs for expert witnesses, and other costs
 1-28 incurred by the prevailing party [district] before the court as the
 1-29 court considers equitable and just. The court may not award more
 1-30 than \$250,000 in attorney's fees. [The amount of the attorney's
 1-31 fees shall be fixed by the court.]

1-32 SECTION 2. Section 36.102(d), Water Code, is amended to
 1-33 read as follows:

1-34 (d) In a [If the district prevails in any] suit to enforce
 1-35 the district's [its] rules, the [district may seek and the] court
 1-36 may [shall] grant reasonable and necessary [against any person, in
 1-37 the same action, recovery for] attorney's fees, costs for expert
 1-38 witnesses, and other costs incurred by the prevailing party
 1-39 [district] before the court as the court considers equitable and
 1-40 just. [The amount of the attorney's fees shall be fixed by the
 1-41 court.]

1-42 SECTION 3. Section 36.066(h), Water Code, is repealed.

1-43 SECTION 4. Sections 36.066(g) and 36.102(d), Water Code, as
 1-44 amended by this Act, apply only to an action filed on or after the
 1-45 effective date of this Act. An action that is filed before the
 1-46 effective date of this Act is governed by the law applicable to the
 1-47 action immediately before the effective date of this Act, and that
 1-48 law is continued in effect for that purpose.

1-49 SECTION 5. This Act takes effect September 1, 2019.

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