

BILL ANALYSIS

Senate Research Center
78R7430 AJA-D

S.B. 1207
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Jurisprudence
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As Filed

DIGEST AND PURPOSE

Current Texas law authorizes an action to be brought to have a court declare the rights and duties or status of the parties to a dispute. As proposed, S.B. 1207 provides that costs and attorney's fees are not recoverable against the state or a state agency in a declaratory judgment action brought for the purposes of construing a state agency's powers or duties.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 37.009, Civil Practice and Remedies Code, as follows:

- (a) Makes a conforming change.
- (b) Provides that the state and any state agency are not liable for costs and attorney's fees associated with an action seeking declaratory judgment regarding construction of a state agency's powers or duties under the agency's enabling statute.

SECTION 2. Effective date: September 1, 2003.
Makes application of this Act prospective.