

BILL ANALYSIS

Senate Research Center
78R14066 AJA-F

C.S.S.B. 1207
By: Duncan
Jurisprudence
5/1/2003
Committee Report (Substituted)

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. C.S.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) Prohibits the court from awarding costs and attorney's fees against the state, a state agency, or a state official in an action under this chapter if certain conditions are met.
- (c) Provides that Subsection (b) does not limit the authority of a court to award attorney's fees under Chapter 105 or 106 or any other statute that expressly authorizes the award of attorney's fees against the state, a state agency, or a state official.

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