

BILL ANALYSIS

Senate Research Center

S.B. 1110
By: Duncan
Jurisprudence
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As Filed

DIGEST

Currently, a city may be held liable for attorney's fees. Section 5.904, Local Government Code, prohibits a statute from applying to a municipality unless it is expressly stated that the statute is to be applied to a municipality. However, the courts have held that a municipality can be held liable for attorney's fees under the Uniform Declaratory Judgments Act. This could lead to plaintiffs filing suit under the Declaratory Judgment Act when a recovery of attorney's fees would be barred by other chapters of the Local Government Code. This bill will prohibit the courts from awarding attorney's fees in a proceeding against a municipality under the Uniform Declaratory Judgments Act.

PURPOSE

As proposed, S.B. 1110 prohibits the courts from awarding attorney's fees in a proceeding against a municipality under the Uniform Declaratory Judgments Act.

RULEMAKING AUTHORITY

This bill does not 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, to prohibit the court from awarding attorney's fees in a proceeding against a municipality. Makes a conforming change.

SECTION 2. Emergency clause.
Effective date: upon passage.