

BILL ANALYSIS

Senate Research Center

S.B. 889
By: Haywood
Jurisprudence
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As Filed

DIGEST

When Section 37.009 of the Uniform Declaratory Judgment Act was enacted, the legislature intended that the Act would have no fiscal impact for the state or local government. The language in Section 37.009 is not explicit as to whether costs and attorney's fees may be awarded against the government, and a few courts have awarded costs and attorney's fees against the state. This bill will exclude the awarding of costs and attorney's fees against any governmental unit in declaratory judgment actions.

PURPOSE

As proposed, S.B. 889 excludes the awarding of costs and attorney's fees against any governmental unit in declaratory judgment actions.

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 provide that nothing under this section authorizes an award of costs and attorney's fees against any governmental unit as that term is defined in Section 101.001 of this code.

SECTION 2. Makes application of this Act retroactive.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.