

CHAPTER 1011

H.B. No. 2363

AN ACT

relating to attorney's fees and damages in a suit for failure to timely pay proceeds derived from the sale of oil or gas production.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter K, Chapter 91, Natural Resources Code, as added by Chapter 228, Acts of the 68th Legislature, Regular Session, 1983, is amended by adding Section 91.406 to read as follows:

Sec. 91.406. ATTORNEY'S FEES AND MINIMUM AWARD. If a suit is filed to collect proceeds and interest under this subchapter, the court shall include in any final judgment in favor of the plaintiff an award of:

(1) reasonable attorney's fees; and

(2) if the actual damages to the plaintiff are less than \$200, an additional amount so that the total amount of damages equals \$200.

SECTION 2. This Act applies only to a suit filed on or after the effective date of this Act.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 8, 1987, by a non-record vote. Passed by the Senate on May 25, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 19, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.