

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**May 23, 2003**

**TO:** Honorable Joe Nixon, Chair, House Committee on Civil Practices

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: SB1207** by Duncan (Relating to state liability for costs and attorney's fees in certain actions seeking declaratory judgment.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Civil Practice and Remedies Code, Section 37.009, relating to state liability for costs and attorney's fees in certain actions seeking declaratory judgments. According to the Taxation Division of the Office of Attorney General, the state will realize savings based on prior Comptroller tax/refund protest cases; however, the fiscal implication of such savings is not anticipated to be significant. To the extent that the state may realize other possible savings in certain civil actions relating to construction of a state agency's powers or duties under the agency's enabling statute, the fiscal implication is not anticipated to be significant.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 360 State Office of Administrative Hearings, 302 Office of the Attorney General

**LBB Staff:** JK, GO, VDS, TB