

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 11, 2011

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB274 by Creighton (Relating to the reform of certain remedies and procedures in civil actions and family law matters.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code and Civil Practice and Remedies Code to reform certain remedies and procedures in civil litigation including attorney's fees, early dismissal, expedited trials, appeals, and settlement offers.

The Supreme Court would be required to adopt rules regarding an expedited and fair resolution of non-meritorious cases. The bill would provide that certain rules adopted would not apply to an action under the Family Code.

The bill would provide that a taxpayer that contests a tax appraisal who prevails would be entitled to an award of costs and attorney's fees, but an appraisal district or taxing authority that prevails would not be entitled.

The bill would repeal Section 33.004(e); and Sections 42.004(d) and (g) of the Civil Practices and Remedies Code.

The Office of Court Administration indicates that any costs associated with the bill could be absorbed within the agency's existing resources.

Local Government Impact

There could be costs to an appraisal district or a taxing authority for costs and attorney's fees if a taxpayer prevailed in a civil suit, but the amounts would vary depending on the number of suits filed and awarded to a taxpayer, and the amount of the costs and attorney's fees incurred.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, KJG, TP, JT, SZ, JB