

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 4, 2015

TO: Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3662 by Hughes (Relating to recovery of damages, attorney's fees, and costs related to frivolous regulatory actions by state agencies.), **As Introduced**

| |
|--|
| <p>No significant fiscal implication to the State is anticipated.</p> |
|--|

The bill would amend the Civil Practice and Remedies Code to expand provisions regarding frivolous claims by state agencies to include frivolous regulatory actions by state agencies. The bill would authorize a claimant to bring an action against a state agency if the agency took a regulatory action that was frivolous, unreasonable, or without foundation and the claimant would be entitled to recover damages, attorney's fees, and court costs. The bill would permit a claimant to recover attorney's fees and costs incurred in defending against a frivolous action in an administrative hearing and judicial review if the claimant prevailed in the judicial review and the state agency was unable to demonstrate good cause for the regulatory action. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

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

LBB Staff: UP, FR, GDz