

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 11, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB635 by Huffines (Relating to the award of court costs and attorney's fees in certain actions challenging an order, ordinance, or similar measure of certain political subdivisions or the failure of an officer of certain political subdivisions to perform certain actions.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code to impose liability for attorney's fees and litigation costs on any political subdivision whose order, ordinance, or other policy is found to be preempted by state law or if the court determines that an officer of the political subdivision failed to perform an act required by the state constitution or state statute. The bill would provide that an award of attorney's fees and litigation costs would be recoverable by any plaintiff prevailing in the suit challenging the political subdivision's or officer's conduct. The bill specifies that these provisions would not apply to a municipality or county with a population of less than 45,000. 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

According to the Texas Association of Counties, the bill could have a significant fiscal impact on counties due to the potential liability that could be incurred as a result of a county order, ordinance, or other policy that is found to be preempted by state law, as well as for the failure to perform an act required by state constitution or state statute.

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

LBB Staff: UP, LBO, GDz, JGA