

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

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 22, 2019**

**TO:** Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB4551** by Dutton (Relating to the award of court costs and attorney's fees in certain actions challenging certain local laws or the failure of an officer of certain political subdivisions to perform certain actions.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Civil Practice and Remedies Code to require a court to award costs and attorney's fees to a prevailing party who challenges an ordinance of a political subdivision with a population of 45,000 or more which a court finds to be preempted by the state constitution or statute or if a court determines that an officer of a political subdivision failed to perform an act of office required by state constitution or statute. .

Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

The bill would take effect September 1, 2019.

**Local Government Impact**

According to the Texas Association of Counties, the fiscal impact cannot be determined, but could result in additional costs to counties incurred as a result of litigation.

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

**LBB Staff:** WP, SLE, DA, AF