

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 15, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1495 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 acts.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Civil Practice and Remedies Code to provide that, in a preemption challenge against a political subdivision, a court must award court costs and reasonable and necessary attorney's fees to a person who prevails in an action challenging an order, ordinance, or measure as unenforceable because of state-based preemption. The bill would provide that, in an action challenging an officer for failure to perform a required act of office, a court must award the person who prevails in the action court costs and reasonable and necessary attorney's fees. The bill would require the costs and fees to be paid by the applicable political subdivision. The bill would not apply to a municipality or county with a population of less than 45,000.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

Local Government Impact

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

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, SLE, MW, BH