

## **BILL ANALYSIS**

H.B. 1704  
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Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties cite recent case law holding that the law governing an action to determine the applicability of certain local government regulations does not allow the prevailing party in such an action to recover court costs and attorney's fees and contend that this creates undesirable inconsistency with the Uniform Declaratory Judgments Act. H.B. 1704 seeks to address this issue by authorizing a court in such an action to award court costs and reasonable and necessary attorney's fees to the prevailing party.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1704 amends the Local Government Code to authorize a court to award court costs and reasonable and necessary attorney's fees to the prevailing party in an action brought under statutory provisions relating to the regulatory authority of certain political subdivisions to issue certain permits.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.