

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

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**May 4, 2005**

**TO:** Honorable Joe Nixon, Chair, House Committee on Civil Practices

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: HB1400** by Dutton (Relating to discovery procedures for a claim against a governmental entity under the Texas Tort Claims Act.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Texas Tort Claims Act to provide that the Supreme Court adopt rules under which a claimant may, if the defendant asserts a plea to the jurisdiction, obtain reasonable discovery to investigate whether circumstances exist that would confer jurisdiction on the court.

The Office of Attorney General (OAG) indicates the bill would allow for discovery to be done prior to a ruling on a plea to the jurisdiction, and that currently, many courts do not require discovery before ruling on a plea to the jurisdiction. The OAG indicates that an additional attorney and legal assistant would be needed in the OAG's Tort Litigation Division to engage in the new discovery authorized under the bill, at a cost of \$215,532 out of the General Revenue Fund in 2006-07 and \$125,425 in fiscal year 2008 and each year thereafter. Although the OAG indicates that the bill would increase the agency's workload, this estimate assumes that the cost of implementing bill provisions could be absorbed within the OAG's existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 201 Supreme Court of Texas, 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General

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