

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

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 23, 2007**

**TO:** Honorable Byron Cook, Chair, House Committee on Civil Practices

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

**IN RE: HB813** by Dutton (Relating to discovery procedures for a claim against a governmental entity under the Texas Tort Claims Act.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Civil Practices and Remedies Code relating to discovery procedures for a claim against a governmental entity under the Texas Tort Claims Act. The bill would require the supreme court to adopt rules permitting a claimant to conduct discovery if the defendant (governmental agency) asserts a plea to the jurisdiction.

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 the bill would increase the agency's workload, but the cost of implementing bill provisions could be absorbed within the OAG's existing resources; accordingly, no significant fiscal implication to the State is anticipated.

The bill would take effect September 1, 2007.

**Local Government Impact**

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

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

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