

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 10, 2009

TO: Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

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

IN RE: HB291 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, 2009.

Local Government Impact

According to the OAG, the bill would impact local governmental entities by creating additional costs for defending lawsuits and answering discovery in matters in which said entities would be entitled to be dismissed from lawsuits under a plea to the jurisdiction.

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

LBB Staff: JOB, MN, JP