

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 9, 2011

TO: Honorable Brandon Creighton, Chair, House Committee on State Sovereignty, Select

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

IN RE: HB1240 by Zedler (Relating to the application of foreign and international laws and doctrines in this state and requiring a court of this state to uphold and apply certain laws, including the doctrine requiring courts to refrain from involvement in religious doctrinal interpretation or application.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code (CPRC) to prohibit a court, an arbitrator or an administrative adjudicator from using foreign or international law or doctrine as a basis for a ruling or decision, including a prior ruling or decision on foreign or international law.

The CPRC amendments also would provide that courts must uphold the “church autonomy doctrine,” which requires courts to refrain from involvement in religious doctrinal interpretation or application. According to the Office of Court Administration, the proposed amendment relating to church autonomy would place into statute a well established legal doctrine, in which courts must determine whether a particular dispute is “ecclesiastical” or a civil matter in which church officials are involved. The mandate to keep government and religion separate requires that government not interfere with the rights of religious bodies to establish their own internal rules and to create tribunals for resolving disputes over religious matters.

Accordingly, to the extent the bill would provide directives in court rulings or amend court procedures, no significant impact on judicial workloads or fiscal implication to the State is anticipated. The bill would take effect September 1, 2011.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, TB, KM, TP