

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 25, 2011

TO: Honorable Jim Jackson, Chair, House Committee on Judiciary & Civil Jurisprudence

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

IN RE: HB2034 by Miller, Doug (Relating to asbestos and silica litigation.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Civil Practice and Remedies Code to authorize a multidistrict litigation (MDL) pretrial court to dismiss any action relating to an asbestos-related or silica-related injury case that has been pending for more than 180 days that a claimant has not served a required report.

The MDL pretrial court would be prohibited from remanding a case for trial until certain requirements are met regarding an asbestos trust as defined by the provisions of the bill. The trial court would be required to take judicial notice of the trust governance documents and the payment amounts, and to modify a judgment if the recoverable damages are reduced by the amount of value attributed to a claim, and the claim is wholly or partly rejected by the asbestos trust.

According to the Office of Court Administration (OCA), the provisions of the bill would not require additional hearings or appreciably increase or decrease the workload of the courts; therefore, no significant fiscal implications are anticipated.

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, JT, TP, TB