

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 9, 2015

TO: Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3079 by Raymond (Relating to the applicability of a statute of limitations to certain actions to enforce a right or remedy provided by the Texas Constitution.), **Committee Report 1st House, Substituted**

The bill would have a negative, but indeterminate, fiscal impact to the state; the number of additional cases that would be filed that had previously been barred by the four year limitations period cannot be estimated.

The bill would amend the Civil Practice and Remedies Code to provide that the residual limitations period of four years after the day the cause of action accrues would not apply to an action to enforce a right or remedy provided by the state constitution.

The Office of Court Administration anticipates that courts could receive a higher numbers of cases that would previously have been barred by the four year period due to significant overlap between the rights enumerated in the federal constitution and those contained in the state constitution. This could result in litigants who have asserted claims that were denied under the federal constitution using this provision as a mechanism to again assert the denied claim by linking it to the state constitution. However, the additional number of cases that would be realized cannot be estimated.

The bill would take effect September 1, 2015.

Local Government Impact

The fiscal implications of the bill cannot be determined at this time

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

LBB Staff: UP, FR, MW, GDz