

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION
Revision 1

April 4, 2003

TO: Honorable Helen Giddings, Chair, House Committee on Business & Industry

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB328 by Chisum (Relating to certain information that may be obtained by a prospective employer from an applicant for employment.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB328, As Introduced: a negative impact of (\$96,176) through the biennium ending August 31, 2005.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	(\$50,509)
2005	(\$45,667)
2006	(\$45,667)
2007	(\$45,667)
2008	(\$45,667)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2004	(\$50,509)
2005	(\$45,667)
2006	(\$45,667)
2007	(\$45,667)
2008	(\$45,667)

Fiscal Analysis

The bill provides that a prospective employer does not commit an unlawful employment practice if the employer requests an applicant for employment to provide injury, disability, or other medical condition information that directly relates to a bona fide occupational qualification. Furthermore, the bill requires the Texas Workers' Compensation Commission to provide injury claim data to an employer if an applicant has made an injury claim within the last five years. Additionally, the bill provides employer immunity from certain liability for relying on information provided. The Texas Commission on Human Rights (TCHR) would hire another FTE with expertise in employment laws and the agency expects to be required to clarify existing agency rules with enactment of the bill.

Methodology

The TCHR estimates one additional Investigator III (B8) would be needed based on an estimated 100 annual complaints that would be filed alleging unlawful employment practices at a cost of \$50,509 in FY 2004. This includes an annual salary of \$31,068, Fringe Benefits of \$8,842 (28.46%), and Other Operating Expenses of \$10,599 which include one-time costs such as a personal computer and office equipment. For FY 2005-08, the bill is estimated to result in an annual cost of \$45,667.

Local Government Impact

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

Source Agencies: 344 Commission on Human Rights

LBB Staff: JK, JRO, BL