

BILL ANALYSIS

Senate Research Center
79R8247 AJA-D

S.B. 1128
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State Affairs
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The Americans with Disabilities Act (ADA) guarantees basic civil rights to those who are disabled. Some states, including Texas, assert that the 11th Amendment to the United States Constitution grants the states immunity from suit under the ADA. The Texas attorney general makes this assertion on behalf of Texas.

As proposed, S.B. 1128 would waive the state's sovereign immunity for its violations of the ADA. Under S.B. 1128, the maximum amount of monetary damages would be \$250,000 for each person and \$500,000 for each violation of the ADA.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 101, Civil Practice and Remedies Code, by adding Section 101.0212, as follows

Sec. 101.0212. LIABILITY OF STATE UNDER CERTAIN FEDERAL LAW. (a) Provides that the state is liable for a violation by a unit of state government of the Americans with Disabilities Act (42 U.S.C. Section 12101 et seq.).

(b) Authorizes a suit under Subsection (a) to be filed only in a district court of this state and prohibits a suit from being brought in a federal court.

SECTION 2. Amends Section 101.023(a), Civil Practice and Remedies Code, to provide that liability of the state government under this chapter (Tort Claims) is limited to money damages in a maximum amount of \$250,000 for each person and \$500,000 for each single occurrence for a violation by a unit of state government of the Americans with Disabilities Act (42 U.S.C. Section 12101 et seq.). Makes nonsubstantive changes.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2005.