

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 3, 2005

TO: Honorable Joe Nixon, Chair, House Committee on Civil Practices

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

IN RE: HB464 by Dutton (Relating to governmental liability.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB464, As Introduced: a negative impact of (\$505,940) through the biennium ending August 31, 2007.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2006	(\$270,475)
2007	(\$235,465)
2008	(\$312,238)
2009	(\$304,824)
2010	(\$304,824)

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from GENERAL REVENUE FUND 1	Change in Number of State Employees from FY 2005
2006	(\$270,475)	5.3
2007	(\$235,465)	5.3
2008	(\$312,238)	5.3
2009	(\$304,824)	5.3
2010	(\$304,824)	5.3

Fiscal Analysis

The bill would amend the Government Code, Section 101.021, "Governmental Liability," to provide that a governmental unit is liable for property damage, personal injury, and death proximately caused by the wrongful act or omission or the negligence of an employee acting within his scope of employment if the operation or use of a motor-driven vehicle or motor-driven equipment furnishes the condition that makes the property damage, personal injury, or death possible.

Methodology

A number of the Office Attorney General’s (OAG) client agencies (Texas Department of Criminal Justice, Texas Department of Public Safety) routinely transport passengers. Often they have been accused or convicted of violent felonies. If these agencies are to be held liable for the behavior of these passengers while in a motor-driven vehicle, the OAG should anticipate a significant increase in tort claims and cases against these agencies.

The OAG anticipates that the Tort Litigation Division will need an Assistant Attorney General I, Assistant Attorney General II and a Legal Assistant II in FY 2006-10 and one additional Assistant Attorney General II in FY 2008-10. The Law Enforcement Defense Division will need ½ Assistant Attorney General I , 1/4 Legal Assistant I and ½ of an Administrative Assistant I beginning in FY 2006. The OAG will require an increase to the FY 2006/2007 FTE cap as a result of the bill.

The Texas Department of Transportation (TXDOT) also reported a potential increase in the number of claims that may be filed as a result of this bill. TXDOT reports that an estimated 200 claims involving loose gravel, tar, asphalt and paint on the road are filed per year for which TXDOT is not liable.

Technology

There is a one-time cost of \$8,657 in FY2006 and \$2,037 in FY 2008 for technology needs (network stations).

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 601 Department of Transportation

LBB Staff: JOB, MS, LB