

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 18, 2007

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

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

IN RE: HB1473 by Turner (Relating to the waiver of sovereign immunity of a political subdivision for claims brought by certain employees.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would add Section 180.006 to Chapter 180 of the Local Government Code to waive sovereign or governmental immunity to allow firefighters or police officers covered by certain civil service provisions to seek judicial review for recovery of monetary benefits associated with back pay, or for a firefighter, also monetary civil penalties associated with recovery of back pay. Under certain circumstances, the firefighters or police officers would be allowed to file suit directly in district court. Before seeking judicial review, a firefighter or police officer would be required to initiate actions through any grievance or appeal procedures in place. Immunity from suit and liability would be waived only to the extent of liability for the monetary benefits or monetary civil penalties.

The bill would take effect immediately if it were to receive the required two-thirds vote in each house; otherwise, it would take effect September 1, 2007. The bill would apply only to a claim asserted on or after the effective date.

Local Government Impact

The fiscal impact to a local governmental entity would depend on how many such judicial reviews or suits occur, whether the suit/review is lost, and if so how much back pay and/or civil penalty is owed. There would also be legal costs associated with defending the local government. However, because of the limitations placed by the provisions of the bill and the likelihood of a minimal number of such suits, no significant fiscal impact is anticipated.

Source Agencies:

LBB Staff: JOB, MN, DB