

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 4, 2009

TO: Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

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

IN RE: HB849 by Strama (Relating to the liability of the state for a violation of the federal Americans with Disabilities Act.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB849, Committee Report 1st House, Substituted: a negative impact of (\$631,624) through the biennium ending August 31, 2011.

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
2010	(\$331,225)
2011	(\$300,399)
2012	(\$300,339)
2013	(\$300,399)
2014	(\$300,399)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2009
2010	(\$331,225)	4.0
2011	(\$300,399)	4.0
2012	(\$300,339)	4.0
2013	(\$300,399)	4.0
2014	(\$300,399)	4.0

Fiscal Analysis

The bill would amend the Civil Practices and Remedies Code and waive the state's immunity from suit and from liability for the limited purpose of allowing any person to maintain a lawsuit in state or federal court and obtain relief from the state under the Americans With Disabilities Act.

Methodology

The bill would increase the number of cases filed in state or federal court and the Office of the Attorney General (OAG) would be required to defend the state in these cases. As a result, the OAG indicates that it would require an additional 4 Full Time Equivalent (FTEs) positions at a salary cost of \$212,820 out of the General Revenue Fund each fiscal year. In addition, the OAG indicates that it would need \$30,826 out of the General Revenue Fund in fiscal year 2010 in one-time expenditures for

computers, furniture, telephones, and other items for these new staff positions. A recurring cost of \$17,576 for general operating costs and \$9,200 for travel would also be required out of the General Revenue Fund each fiscal year. Benefit costs, which are appropriated to the Employee Retirement System, would total \$60,803 each fiscal year out of the General Revenue Fund. Depending on the outcome of lawsuits filed against the state, there would be indeterminate costs associated with the amounts of liability claims paid by the state.

Local Government Impact

Costs to a governmental unit would depend upon the number of cases filed and the number of judgments against a governmental unit.

Source Agencies: 302 Office of the Attorney General

LBB Staff: JOB, MN, JM, TP