

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 5, 2011**

**TO:** Honorable Larry Phillips, Chair, House Committee on Transportation

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

**IN RE: HB1938** by Simpson (Relating to the prohibition of whole-body scanners in airports; providing criminal and civil penalties.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would add Section 22.902 to Subchapter Z of the Transportation Code to prohibit the installation or operation of whole-body scanners in an airport owned or controlled by a local governmental entity. The bill would create a civil penalty in the amount of \$1,000 for each day a local governmental entity has body imaging scanning equipment installed or operated.

The bill would authorize the Attorney General to bring suit in a Travis County district court for injunctive relief or to collect civil penalties, plus court costs and reasonable attorney's fees incurred by the attorney general if an offense occurs.

The Office of the Attorney General reported any legal work associated with the provisions of the bill could be reasonably absorbed with current resources.

**Local Government Impact**

If a local governmental entity owns or controls an airport that currently has installed or operates a whole-body scanner, there could be costs associated with the removal or disabling of the equipment.

The City of Houston reported the provisions of the bill would not have a fiscal impact on the city because the bill would be preempted by federal law. However, if the attorney general filed a suit to enforce the provisions of the bill, local governmental entities would incur litigation costs.

The City of Austin reported the city does not own or operate whole-body scanners; therefore, there would be no fiscal impact.

**Source Agencies:** 302 Office of the Attorney General

**LBB Staff:** JOB, KJG, TP