

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 16, 2019

TO: Honorable Dade Phelan, Chair, House Committee on State Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB244 by Farrar (Relating to the prohibition of certain discrimination based on sexual orientation or gender identity or expression; providing an administrative penalty; creating a criminal offense.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would prohibit discrimination in public accommodations based on sexual orientation or gender identity or expression. The bill includes exceptions for activities conducted by certain religious organizations. State agencies would require contractors to adopt and apply an employment policies consistent with the bill. The bill would allow aggrieved persons to file a civil action not later than the second anniversary of the occurrence of an alleged discriminatory practice.

This analysis assumes that the provisions of the bill could be absorbed using existing resources.

The Comptroller of Public Accounts indicates that the fiscal impact associated with provisions of the bill authorizing the state to impose an administrative penalty or collect fines, fees, and costs associated with an offense cannot be estimated.

Local Government Impact

The Texas Association of Counties estimates a potentially significant negative fiscal impact to counties and to the Texas Association of Counties Risk Management Pool (TAC RMP). However the extent of that impact cannot be determined at this time.

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 320 Texas Workforce Commission

LBB Staff: WP, CMa, BH, JQ, AF, JPo, BRi