

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0663-01  
Bill No.: HB 98  
Subject: State Attorney General; Disabilities; State Departments; State Employees  
Type: Original  
Date: April 1, 2003

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Legal Expense*	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Highway*	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>Total Estimated Net Effect on Other State Funds*</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>

\* Could exceed (\$100,000) in any given fiscal year.

Numbers within parentheses: ( ) indicate costs or losses.  
 This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

Officials from the **Office of the Governor, Office of Administration – Division of Facilities Management, Missouri House of Representatives, Office of the Lieutenant Governor, Office of the State Auditor, Missouri Senate,** and the **Office of the State Treasurer** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of Attorney General** assume the costs of the proposed legislation could be absorbed within existing resources.

Officials from the **Office of Administration – Division of Personnel** assume the bill will allow individuals to sue state agencies under the ADA for only the maximum monetary award as proscribed within the legislation. It is difficult to assess the fiscal impact of this legislation without information on how many individuals would successfully sue under this legislation. The fiscal impact of such legislation is difficult to assess because it entirely depends on the amount of litigation the bill generates.

ASSUMPTION (continued)

Officials from the **Office of State Courts Administrator (CTS)** assume suits would be filed in state court, and there may be some increase in the number of cases filed. However, CTS has no way of estimating that increase at this time and does not anticipate that it would be substantial enough to require a budget increase in the courts.

Officials from the **Office of Secretary of State** assume this proposal would allow individuals to sue state agencies for damages in state court for violations of the Americans with Disabilities Act (ADA). The potential would exist for increased litigation. It is impossible to predict with any reasonable certainty the litigation costs and potential damage awards due to ADA lawsuits, but these costs could be significant.

Officials from the **Department of Transportation (MoDOT)** assume the Missouri Highways and Transportation Commission (MHTC) is required under the ADA to make reasonable accommodations; therefore, there would be no fiscal impact in that regard. However, due to the nature of many jobs within MoDOT that require manual labor, there may be increased litigation and claim costs if MHTC is held liable under a cause of action regarding disputes over what constitutes "reasonable accommodations." MoDOT is unable to determine the amount of the fiscal impact.

**Oversight** assumes that prior to the recent U.S. Supreme Court decision, cases could be filed in state court. Oversight assumes that this proposal allows such cases to be filed in state court. Based on these assumptions and the assumptions provided by the CTS, Oversight assumes the administrative impact of this portion of the proposal is \$0. This proposal also specifies that the provisions shall, without limitation, apply to the Missouri State Capitol Building. Oversight assumes the impact of this proposal as it relates to the state would be \$0 to (Unknown), depending on the success of the lawsuits. Oversight assumes that any one judgment against the state could exceed \$100,000.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
<b>LEGAL EXPENSE FUND</b>			
<u>Costs - Potential for more lawsuits*</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON LEGAL EXPENSE FUND*</b>	<b>\$0 to <u>(Unknown)</u></b>	<b>\$0 to <u>(Unknown)</u></b>	<b>\$0 to <u>(Unknown)</u></b>
<b>HIGHWAY FUND</b>			
<u>Costs – Department of Transportation Potential for more lawsuits*</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON HIGHWAY FUND*</b>	<b>\$0 to <u>(Unknown)</u></b>	<b>\$0 to <u>(Unknown)</u></b>	<b>\$0 to <u>(Unknown)</u></b>

\*Could exceed (\$100,000) in any given fiscal year.

<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

## DESCRIPTION

The proposed legislation would allow the state of Missouri to be subject to lawsuits for monetary damages in Missouri state courts for violations of the federal Americans with Disabilities Act. In addition, this proposal states that the provisions of such section would, without limitation, apply to the Missouri State Capitol Building.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

## SOURCES OF INFORMATION

Office of Attorney General  
Office of the Governor  
Office of Administration  
    – Division of Facilities Management  
    – Division of Personnel  
Office of State Courts Administrator  
Missouri House of Representatives  
Office of the Lieutenant Governor  
Office of the State Auditor  
Missouri Senate  
Office of Secretary of State  
Office of the State Treasurer  
Department of Transportation



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