

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

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**March 6, 2017**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: SB6** by Kolkhorst (Relating to regulations and policies for entering or using a bathroom or changing facility; authorizing a civil penalty; increasing criminal penalties.), **As Introduced**

**No significant fiscal implication to the State is anticipated except for indeterminate impact associated with amending the Penal Code, as described below.**

The bill would amend the Local Government Code, Health and Safety Code, and Penal Code relating to regulations and policies for entering or using a bathroom or changing facility. The bill would authorize a civil penalty for violations of this act and provide sentence enhancements for certain offenses if committed on the premises of any bathroom or changing facility.

Based on information provided by the Office of Court Administration, Office of the Attorney General, Comptroller of Public Accounts, Department of Criminal Justice, Texas Education Agency, Texas A&M University System Administration, University of Texas System Administration, University of North Texas System Administration, and University of Houston System Administration it is assumed that any costs associated with the implementation of Sections 1 through 4 (those amending the Local Government Code and the Health and Safety Code) of the bill would be absorbed within existing agency resources.

The probable impact of implementing the bill's provisions which amend the Penal Code (Section 5) cannot be determined due to the unavailability of reliable data related to the location of the offenses specified in the bill which would be enhanced under certain circumstances. To the extent that the number of offenses committed in bathrooms or changing facilities is significant, costs would increase commensurately.

The bill would go in to effect on September 1, 2017.

**Local Government Impact**

According to the Texas Association of Counties, costs associated with the up to \$1,500 penalty assessed on governmental entities violating its provisions would accrue over the length of time taken for complaint investigations. The fiscal implication would thus depend on the length of the investigation.

According to the City of Houston, the bill would have a significant impact if corporations and special events choose not to pursue certain business in the state; the city anticipates the impact could be in the millions of dollars.

According to the Texas Municipal League, cities that are interested in hosting events or pursuing economic development initiatives are concerned about a loss of business to the state.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 701 Texas Education Agency, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 769 University of North Texas System Administration, 783 University of Houston System Administration, 696 Department of Criminal Justice

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