



The Senate of
The State of Texas

SENATOR RODNEY ELLIS
District 13

PRESIDENT PRO TEMPORE
1999 - 2000

EXECUTIVE ADMINISTRATION
MAIL DISTRIBUTION

COMMITTEES:

Chair, Government Organization
Criminal Justice
Transportation & Homeland Security
State Affairs

RECEIVED
MAY 01 2007
OPINION COMMITTEE

MAY 01 2007

ACTION BY Ellen Vitt
COPY TO Nancy Fuller
Stacey Napier
Daniel Hodge

April 25, 2007

The Honorable Greg Abbott
Attorney General of Texas
Office of the Attorney General
300 West 15th Street
Austin, Texas 78701

FILE # ML-45209-07
I.D. # 45209

RQ-0586-GA

Re: Request for an Advisory Opinion regarding the Denial of Meaningful Access of state services (Texas Lottery Commission) to non-smokers in violation of Title II of the Americans with Disabilities Act (ADA.)

Dear General Abbott:

I write to request an advisory opinion on whether Texas is in violation of the American Disabilities Act if it denies *meaningful access* of state services to its citizens? The Texas Lottery Commission does not allot or provide for non-smoking facilities, whereby citizens that suffer from acute asthma disabilities triggered by second hand smoke are not accommodated to participate or reap the benefits of the services of this State Agency.

Enclosed please find the concerns brought to our office by Mr. Billy Williams. Mr. Williams has shared his concerns with the United States Department of Justice, the Texas Lottery Commission, and with our office.

Thank you,

Rodney Ellis

RE: mg