

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 19, 2003

TO: Honorable Terry Keel, Chair, House Committee on Criminal Jurisprudence

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB191 by Carona (Relating to the suspension or denial of a driver's license following a failure to pass a test for intoxication and the penalty for reinstatement or issuance of the license, and to a license suspension following a refusal to consent to the taking of a blood or breath specimen to test for alcohol or other intoxicants.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB191, Committee Report 2nd House, Substituted: a negative impact of (\$622,252) through the biennium ending August 31, 2005.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

| Fiscal Year | Probable Net Positive/(Negative) Impact to General Revenue Related Funds |
|-------------|--|
| 2004 | (\$311,126) |
| 2005 | (\$311,126) |
| 2006 | (\$311,126) |
| 2007 | (\$311,126) |
| 2008 | (\$311,126) |

All Funds, Five-Year Impact:

| Fiscal Year | Probable (Cost) from <i>GENERAL REVENUE</i> <i>FUND</i> 1 | Probable Savings from <i>STATE HIGHWAY</i> <i>FUND</i> 6 | Probable (Cost) from <i>STATE HIGHWAY</i> <i>FUND</i> 6 | Change in Number of State Employees from FY 2003 |
|-------------|---|--|---|---|
| 2004 | (\$311,126) | \$5,300,021 | (\$308,308) | (80.4) |
| 2005 | (\$311,126) | \$5,300,021 | (\$308,308) | (80.4) |
| 2006 | (\$311,126) | \$5,300,021 | (\$308,308) | (80.4) |
| 2007 | (\$311,126) | \$5,300,021 | (\$308,308) | (80.4) |
| 2008 | (\$311,126) | \$5,300,021 | (\$308,308) | (80.4) |

Fiscal Analysis

The bill would amend Chapters 524 and 724 of the Transportation Code to provide that the court in which the criminal charge against a person is filed, rather than the State Office of Administrative Hearings (SOAH), conduct administrative license revocation (ALR) hearings. The bill would take effect September 1, 2003.

Methodology

SOAH assumes a savings of \$2,774,733 in State Highway Fund No. 006 per year, since it is currently appropriated these monies to conduct ALR hearings. A corresponding reduction of 38 FTEs is also assumed. The eight field offices currently operated by SOAH are assumed to be eliminated due to the high volume of ALR cases conducted at those locations. In order to fund the 500 non-ALR hearings currently conducted in field offices, SOAH further assumes that \$311,126 in General Revenue Funds would be required to provided for 3.6 FTEs and administrative costs associated with hearings required to be conducted in the field for the Alcoholic Beverage Commission, the Department of Protective and Regulatory Services, the Department of Human Services, and the Commission on Environmental Quality.

Additionally, ALR staff attorneys employed by the Department of Public Safety (DPS) are responsible for representing the state in each case; the bill would place that responsibility on the county attorney resulting in a reduction of 52 FTEs with a salary reduction of \$2,525,288 from State Highway Fund No. 006. DPS estimates an additional six FTEs would be necessary to accommodate the changes in the administrative hearing program. This is based upon the 20,725 ALR cases in fiscal year 2002, of which a determination was reached on 19,528 cases. For each case, DPS would need to prepare and certify no less than four documents. Additional FTEs would be responsible for coordinating paperwork and data entry into a mainframe system. The total costs associated with the FTEs is \$308,308 from State Highway Fund No. 006 each fiscal year.

Local Government Impact

The local courts anticipate a significant cost increase to implement the provisions of the bill. Dallas County estimates it would conduct approximately 5,000 hearings annually, resulting in additional annual costs of \$850,000 (costs for court time, prosecution staff, and clerical staff). Bell County estimates it would hold 576 hearings each year, which would require an additional court-at-law judge, an additional part-time court clerk, and would likely increase court appointed attorney fees, totalling \$187,000 in increased costs per year. Bell County also states that they would have to incur expenses for an additional courtroom.

Based on the number of hearings that SOAH has held, the agency estimates that many counties would require additional staff to handle the increased caseload. SOAH estimates the number of cases in some of the larger counties would be 1,370 in Travis County; 1,680 in Tarrant County; 3,170 in Harris County; and 1,350 in Bexar County.

Source Agencies: 360 State Office of Administrative Hearings, 405 Department of Public Safety, 304 Comptroller of Public Accounts, 601 Department of Transportation

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