

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

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**April 13, 2005**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: SB957** by Williams (Relating to the powers and duties of the Texas Department of Licensing and Regulation.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Occupations Code by stating that the Department of Licensing and Regulation (TDLR), acting through the attorney general, may bring an enforcement action in district court to enforce a subpoena that is issued by TDLR's executive director against a person who fails to comply with the subpoena. The bill states the venue for a subpoena enforcement action lies either in Travis County or any county in which TDLR may hold a hearing. Also, the bill would provide TDLR's executive director the authority to issue emergency orders with or without notice of a hearing.

The Office of the Attorney General (OAG) anticipates that costs of enforcement actions issued by TDLR's executive director in district court could be absorbed with current resources. TDLR estimates a least four OAG referrals per year and anticipates no significant fiscal impact.

According to the State Office of Administrative Hearings (SOAH), if an emergency order with or without notice of a hearing is issued, the executive director must set a hearing with SOAH to affirm, modify, or set aside the emergency order no later than 10 days after the order was issued. SOAH anticipates costs associated with implementing the provisions of the bill could be absorbed with current resources. TDLR anticipates at least two referrals per year and anticipates no significant fiscal impact.

The bill would take effect September 1, 2005.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 302 Office of the Attorney General, 360 State Office of Administrative Hearings, 452 Department of Licensing and Regulation

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