

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 23, 2007

TO: Honorable Tom Craddick, Speaker of the House, House of Representatives

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

IN RE: HB914 by Madden (Relating to the establishment of an office of inspector general and the authority of the state auditor to conduct audits at the Texas Youth Commission.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB914, As Passed 2nd House: a negative impact of (\$526,210) through the biennium ending August 31, 2009.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	(\$265,265)
2009	(\$260,945)
2010	(\$261,425)
2011	(\$261,905)
2012	(\$262,385)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>GENERAL REVENUE FUND</i> 1	Change in Number of State Employees from FY 2007
2008	(\$265,265)	4.0
2009	(\$260,945)	4.0
2010	(\$261,425)	4.0
2011	(\$261,905)	4.0
2012	(\$262,385)	4.0

Fiscal Analysis

The bill would amend Article 2.12 of the Code of Criminal Procedure by adding inspectors general of the Youth Commission (TYC) as peace officers. The bill would strike sections 2 and 3 of the engrossed House bill and would replace it with Section 61.0451 of the Human Resources Code. This section would establish an office of inspector general for the purpose of investigating crimes committed by TYC employees, including contract parole officers and crimes and delinquent conduct committed in TYC facilities and contract programs. The office of inspector general would prepare and deliver a report to the executive commissioner, the advisory board, the governor, the lieutenant governor, the speaker of the house of representatives, the legislative committees with jurisdiction over correctional facilities, the special prosecution unit (SPU), the state auditor, and any other appropriate state agency responsible for certifying commission employees or facilities. The report would be public information and would include a summary of the actions performed by the office of inspector general in conducting the investigation, a statement of whether the investigation resulted in a finding that a criminal offense or delinquent conduct occurred, and a description of the finding.

The executive commissioner would select a commissioned peace officer as chief inspector general. The office

of inspector general would employ commissioned peace officers as inspectors general with all the powers and duties of peace officers in this state. Peace officers employed as inspectors general must be certified by the Commission on Law Enforcement Officer Standards, and must complete advanced courses relating to the duties of peace officers to meet continuing education requirements. The chief inspector general would prepare and deliver a quarterly report concerning operations of the office of inspector general to the executive commissioner, the advisory board, the governor, the lieutenant governor, the speaker of the house of representatives, and the legislative committees with jurisdiction over correctional facilities. The report would be public information and must be posted on the TYC internet website. The report would include the types of investigations conducted by the office of inspector general, the relationship of the victim and perpetrator, if applicable, and the number of investigations conducted involving deaths, suicides, and hospitalizations of youth in the custody of TYC. The office of inspector general would immediately report to the executive commissioner, the advisory board, the governor's general counsel, and the state auditor any serious or flagrant problem concerning the administration of a commission program or operation, or interference in an investigation by the executive commissioner or a TYC employee. The bill states that if there is a conflict between Sections 61.0451 (a) (2) and (c), Human Resources Code, as added by this bill and Senate Bill 103, House Bill 914 would prevail and the similar provisions of Senate Bill 103 would have no effect.

The bill would take effect immediately if it receives a vote of two-thirds of all members of each house. If this bill does not receive the necessary vote, it would take effect September 1, 2007.

Methodology

TYC reports it would need 4.0 FTEs in each year of the biennium to implement the provisions of the bill at a cost of \$340,280 in salaries for the biennium and \$170,140 each year thereafter. Additional costs (travel, equipment, benefits and operating expenses) total \$185,930 for the biennium and average \$92,005 in each year thereafter. The SPU anticipates no significant fiscal impact from the passage of this bill.

Technology

The TYC technology impact for fiscal year 2008 is estimated at \$5,232 and includes computer workstations and infrastructure for the 4 FTEs. The ongoing technology cost is estimated at \$432 per year.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, ES, GG, AI