

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 20, 2007

TO: Honorable David Swinford, Chair, House Committee on State Affairs

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

IN RE: HB1799 by Martinez Fischer (Relating to the appointment and duties of and the funding for an executive commissioner for the prevention of driving while intoxicated.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1799, As Introduced: an impact of \$0 through the biennium ending August 31, 2009.

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
2008	\$0
2009	\$0
2010	\$0
2011	\$0
2012	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from <i>New General Revenue Dedicated Driving While Intoxicated Prevention Account</i>	Probable (Cost) from <i>New General Revenue Dedicated Driving While Intoxicated Prevention Account</i>
2008	\$154,000	(\$161,142)
2009	\$369,000	(\$158,742)
2010	\$369,000	(\$158,742)
2011	\$369,000	(\$158,742)
2012	\$369,000	(\$158,742)

Fiscal Year	Change in Number of State Employees from FY 2007
2008	2.0
2009	2.0
2010	2.0
2011	2.0
2012	2.0

Fiscal Analysis

The bill would create the Executive Commissioner for the Prevention of Driving While Intoxicated (commissioner) and provides that the commissioner would be administratively attached to the Office of the Governor.

The bill would require the commissioner to monitor DWI data collected in Texas, monitor other states laws and programs, and work with the Department of Public Safety, Texas Department of Transportation, and Department of State Health Services to reduce alcoholism, recidivism and the number of intoxication offenses committed. The bill would require the commissioner to submit a report to the legislature every two years describing the success of state laws and programs in reducing the number of driving while intoxicated offenses and recommending legislation relating to the prevention of driving while intoxicated.

The bill would establish a \$10 court cost to be paid by a defendant upon conviction of an offense relating to the operation of a motor vehicle while intoxicated. The bill would create the General Revenue-Dedicated Driving While Intoxicated Prevention Account and specifies that this fee be deposited to the account. The bill would provide that amounts in the account may be appropriated only for the support of the commissioner and for driving while intoxicated prevention programs.

Methodology

Estimated revenue for the new Driving While Intoxicated Prevention Account is based on the 2008-09 Biennial Revenue Estimate using a DWI court cost deposited to the current General Revenue-Dedicated EMS, Trauma Facilities and Trauma Care Systems Account as a reference. Estimated revenues for fiscal year 2008 are lower than subsequent years due to an anticipated implementation lag.

It is estimated the agency will require 2 FTEs (Director II and Administrative Assistant I) for a total annual cost of \$106,742 (salary and benefits). Professional services of \$50,000 per fiscal year will be required for data collection and statistical analysis. A one-time cost of \$2,400 is anticipated for 2 personal computers and recurring annual operating expenses are estimated at \$2,000 per fiscal year. Total costs for fiscal year 2008 are estimated at \$161,142 and subsequent fiscal years at \$158,742 annually. It is assumed that these costs will be paid for with amounts from the Driving While Intoxicated Prevention Account. Although costs to implement the bill will exceed estimated revenue for the Driving While Intoxicated Prevention Account in fiscal year 2008 by \$7,142, it is assumed the agency could cover this difference using existing resources.

The bill would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. Therefore the fund, account, or revenue dedication included in the bill would be subject to funds consolidation review by the current Legislature.

Technology

The technology impact is estimated at \$2,400 for 2 personal computers at a cost of \$1,200 each.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 537 State Health Services, Department of, 601 Department of Transportation

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