

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 26, 2007

TO: Honorable Jerry Madden, Chair, House Committee on Corrections

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

IN RE: HB3521 by Bolton (Relating to measures to increase the safety of children committed to the Texas Youth Commission.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3521, As Introduced: a negative impact of (\$9,547,816) 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	(\$5,055,399)
2009	(\$4,492,417)
2010	(\$4,492,417)
2011	(\$4,492,417)
2012	(\$4,492,417)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from GENERAL REVENUE FUND 1	Change in Number of State Employees from FY 2007
2008	(\$5,055,399)	32.0
2009	(\$4,492,417)	32.0
2010	(\$4,492,417)	32.0
2011	(\$4,492,417)	32.0
2012	(\$4,492,417)	32.0

Fiscal Analysis

The bill would add Section 61.0356 to the Human Resources Code to require the Youth Commission (TYC) to determine that a person has not been convicted or received deferred adjudication for a felony offense against a child or a sex offense for which a person must register involving a child before the person may be employed in a direct care position with TYC. The agency may only retain an employee in a direct care position who has not been convicted or received deferred adjudication for such offenses. The bill would amend Chapter 61 of the Human Resources Code to establish an office of inspector general in TYC to investigate fraud committed by TYC employees, including contract parole officers, crimes committed in TYC and in contract programs. The inspectors general would report directly to the TYC board, who would appoint a commissioned peace officer as chief inspector general. The office of inspector general would be able to employ commissioned peace officers as inspectors general with all the powers and duties given to peace officers in this state. At TYC facilities, no single individual would be allowed complete control, supervision, or oversight over the schedule and movements of youth. TYC would be required to provide a youth committed to TYC and the youth's family a statement of the youth's rights while in TYC, the names, addresses, phone

numbers, and e-mail addresses of the person with supervisory authority over the facility where the youth has been placed, an employee in the office of the inspector general, an employee in the office of the attorney general, and the state representative and senator of the youth with whom the youth may file a complaint or report abuse. TYC would be required to post signs of at least 8 1/2 by 11 inches with an easily readable font and type size in eating areas and other conspicuous, high traffic, high visibility locations in each facility that states the rights of the youth while committed to TYC and the name, phone number, and e-mail address of the employee of TYC with supervisory authority over the facility at which the youth is placed whom the person can file a complaint or report abuse.

The bill would add Section 61.0424 to the Human Resources Code to require the attorney general to investigate allegations of abuse or neglect of a youth at TYC facilities, and to report findings and recommendations concerning the allegation to TYC.

Methodology

Based on the assumption that OAG would investigate 1,347 cases per year, (the number of investigations conducted by TYC in fiscal year 2006), the anticipated cost would be \$2,458,940 in fiscal year 2008 and \$2,177,449 in fiscal year 2009. The OAG fiscal impact would be caused by staff salaries (\$1,459,600 in fiscal year 2008 and \$1,459,600 in fiscal year 2009), benefits (\$412,921 in fiscal year 2008 and \$412,921 in fiscal year 2009), and operating expenses (586,419 in fiscal year 2008 and \$304,928 in fiscal year 2009) attributed to 28 additional FTES .

TYC reports it will need 4.0 FTEs in each year of the biennium to implement the provisions of the bill at a cost of \$170,000 in fiscal year 2008 and \$170,000 in fiscal year 2009 for salaries, and \$170,140 each year thereafter. Additional costs (travel, equipment, benefits and operating expenses) total \$92,125 for the biennium and average \$92,005 in each year thereafter.

Technology

The technology impact for OAG is \$68,225 in 2008 for network stations, software, and printers for additional OAG FTEs, with no continuing costs in future years. TYC technology impact for fiscal year 2008 is estimated at \$5,232 and includes computer workstations and infrastructure for the 4 FTEs, with an ongoing technology cost of estimated \$432 per year. The total technology cost for both agencies is estimated at \$73,457 in fiscal year 2008 and \$432 in future years.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 694 Youth Commission

LBB Staff: JOB, ES, GG, AI