

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 1, 2007

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

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

IN RE: HB3701 by Miles (Relating to the office of independent ombudsman of the Texas Youth Commission.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3701, As Introduced: a negative impact of (\$1,728,832) 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	(\$878,816)
2009	(\$850,016)
2010	(\$850,016)
2011	(\$850,016)
2012	(\$850,016)

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	(\$878,816)	24.0
2009	(\$850,016)	24.0
2010	(\$850,016)	24.0
2011	(\$850,016)	24.0
2012	(\$850,016)	24.0

Fiscal Analysis

The bill would add Chapter 64 to Title 3 of the Human Resources Code, which would establish an office of independent ombudsman in the Youth Commission (TYC) for the purpose of investigating and securing the rights of youth in TYC. The ombudsman would be appointed by the governor for a term of two years with a limit of three terms. The office of the ombudsman would act independently from TYC and would be allowed to appoint or contract for assistants with the same duties and powers of the ombudsman. Not later than January 1 of each year, the ombudsman would be required to submit a report to the governor, the lieutenant governor, and each member of the legislature regarding the results of any review, investigation, or recommendation the office of ombudsman was involved in the previous year. TYC would be required to allow any youth to communicate with the ombudsman in person, by mail or any other means, and the communication would be confidential and privileged. Ombudsman records would be confidential and the names of all parties would be redacted in all public reports. The ombudsman would be required to promote awareness of the office of ombudsman by providing contact information, the purpose of the office, and the services the office provides to TYC youth. The duties of the ombudsman would include the review and evaluation of TYC

procedures and service delivery, investigation of youth complaints, inspection of facilities, investigation of the death of any youth in TYC facilities, provision of assistance to a youth or a youth's family including advocating with an agency or provider, review of court orders, recommendation of changes in procedures, making appropriate referrals, and consulting with an administrator, youth, parent, expert, or any other individual in the best interests of the youth. The office of the ombudsman would have access to TYC records, local law enforcement records relating to youth committed to TYC, and would have access to the juvenile justice information system of the Department of Public Safety. The office of the ombudsman would have authority to subpoena records from a private entity that relates to a youth committed to TYC. The first term of the ombudsman would begin October 1, 2007 and would end December 1, 2009. The bill would take effect September 1, 2007.

Methodology

TYC anticipates a cost of \$878,816 in fiscal year 2008 and \$850,016 in fiscal year 2009 from the passage of the bill for a biennial total of \$1,728,832. Salaries would comprise \$1,255,006 for the biennium with \$473,826 for other costs (\$80,000 for travel, \$28,800 for equipment, \$355,042 for benefits, and \$9,984 for other operating expenses.

The Department of Public Safety anticipates no significant fiscal impact from the passage of the bill.

Technology

The technology impact for TYC would be \$31,392 in fiscal year 2008 for computer workstations and infrastructure for an additional 24 FTEs. The ongoing costs would be \$2,592 in future years.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 694 Youth Commission

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