

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 27, 2007

TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Tom Craddick, Speaker of the House, House of Representatives

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

IN RE: SB11 by Carona (Relating to homeland security; providing penalties.), **Conference Committee Report**

Estimated Two-year Net Impact to General Revenue Related Funds for SB11, Conference Committee Report: 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 STATE HIGHWAY FUND 6
2008	\$21,099,555
2009	\$21,479,350
2010	\$21,865,975
2011	\$22,259,565
2012	\$22,660,235

Fiscal Analysis

The bill would require the Emergency Management Division (EMD) within the Texas Department of Public Safety (DPS) to administer the Texas Statewide Mutual Aid System (system). In administering the system, the bill requires the EMD to assist political subdivisions in planning and implementing comprehensive all-hazards emergency management programs, including assisting political subdivisions to ensure that the local emergency management plan of each subdivision adequately provides for the rendering and receipt of mutual aid. The bill also would require the EMD to administer all requests for reimbursement for costs associated with providing mutual aid assistance in response to a request made by the state for an incident resulting in the issuance of a federal disaster declaration. The bill would require the EMD to develop reimbursement request procedures. The bill would require the EMD to coordinate the establishment and maintenance of a list of state employees

who are amateur radio operators.

The bill would amend the Transportation Code to require the Texas Department of Transportation (TxDOT) to develop and maintain secure, real-time databases of information on vehicles to which dealers and converters have affixed temporary cardboard tags and on persons to whom temporary buyer's tags are issued to be managed by the vehicle titles and registration division of TxDOT. The bill would specify that the databases must allow law enforcement agencies to use the vehicle-specific number assigned to and displayed on the temporary tag to obtain information about the dealer or converter that owns the vehicle and on persons to whom temporary tags are issued. The bill would require a vehicle dealer to charge a buyer a fee for a temporary cardboard tag of not more than \$5, as prescribed by TxDOT, to be sent to the Comptroller for deposit to the credit of the State Highway Fund. The bill would establish criminal penalties for unauthorized production, reproduction, purchasing, selling, or displaying of a temporary tag. The bill would require TxDOT to adopt rules to implement the new temporary tag databases and procedures as soon as practicable after the effective date of the act.

The bill would amend the Transportation Code to specify that a police and/or emergency vehicle, which is exempt from payment of tolls on certain toll facilities under current law, is exempt from payment of tolls on such facilities regardless of whether the emergency vehicle is responding to an emergency, displaying a flashing light, or marked as an emergency vehicle.

The bill adds adverse or unexpected events related to vaccinations to the list of elements contained in an immunization record. The bill requires the Department of State Health Services (DSHS) to maintain, within the immunization registry, a registry of persons who receive an immunization, antiviral, or other medication administered to prepare for or in response to certain emergencies or events specified by the bill; the registry must track adverse reactions to these immunizations, antivirals, and other medications. The executive commissioner of the Health and Human Services Commission (HHSC) is required to determine by rule the period during which records related to disasters and emergencies must remain in the registry; DSHS must remove records at the end of this period unless written consent to continued inclusion is obtained. The bill allows first responders and their immediate family members to request that a health care provider who administers an immunization to the individual to provide data elements regarding that immunization to DSHS for inclusion in the immunization registry. First responders and their immediate family members may also provide their immunization history directly to DSHS for inclusion in the immunization registry. The executive commissioner of HHSC is required to adopt rules related to immunization records of first responders and their family members. The bill requires DSHS to develop a program for informing first responders about the immunization registry and the benefits of being included in the registry. Unless otherwise provided, DSHS must retain information in the immunization registry until the person's death. DSHS is required to notify persons for whom immunization information is included in the registry within 180 days of their 18th birthday that the information will remain in the registry unless the person withdraws consent. DSHS is required to consult with public health departments and appropriate health care providers to identify adult immunizations that may be necessary to respond to or prepare for a disaster or public health emergency.

The bill provides a mechanism for the DSHS or a health authority to order a group of five or more persons, who have been exposed to or infected with a communicable disease, to implement control measures that are reasonable and necessary to prevent the introduction, transmission, and spread of the disease. The bill allows a health care facility that accepts a person to pursue reimbursement from any appropriate source, such as a third-party public or private payor or disaster relief fund.

The bill would amend the Penal Code to expand the number and type of actions included in the offense of trafficking of persons.

The bill would establish the Border Security Council consisting of members appointed by the Governor. The bill also provides policies and procedures for the development of the Border Security Council.

Except as otherwise provided by the bill, the bill would take effect on September 1, 2007. Provisions of the bill relating to certain disaster response procedures for political subdivisions would take effect

immediately upon receiving a vote of two-thirds of all members elected to each house or otherwise on September 1, 2007.

Methodology

Based on the analysis of DPS, it is assumed the costs and duties associated with implementing the emergency management provisions of the bill could be absorbed within the agency's current appropriations and, therefore, would not result in a significant fiscal impact to the state.

Based on the information and analysis provided by TxDOT, it is assumed that a revenue gain of approximately \$21.1 million would result from the issuance of an estimated 4.1 million buyer's temporary cardboard tags at \$5 each in fiscal year 2008, and that the number of transactions would increase by 1.8 percent each year thereafter. The fees would be deposited to the credit of the State Highway Fund, pursuant to the provisions of the bill. It is assumed any costs or duties associated with implementing the applicable provisions of the bill could be absorbed with the agency's existing resources.

TxDOT indicates that the provisions of the bill, relating to exempting certain emergency vehicles from the payment of tolls, would impact toll revenues to the state but is not able to quantify the fiscal impact. Based on the analysis of TxDOT, it is assumed the provisions of the bill would not result in a significant fiscal impact to the state.

It is assumed that any costs to DSHS associated with modifications to the immunization registry, developing an educational program for first responders, and other applicable provisions of the bill could be absorbed within available resources.

Broadening the definition of the types of behavior punishable under the offense of trafficking of persons is expected to result in increased demands upon the correctional resources of counties or of the State due to an increase in offenses. It is assumed the number of persons convicted under this statute would not result in a significant impact on programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

Local Government Impact

There would be no fiscal impact on an incorporated city, county, or joint board to appoint an emergency management director as outlined in the bill. It is assumed that a local governmental entity would enter into an agreement to render mutual aid assistance only if the funds are available or with the understanding that there would be costs associated with providing the assistance.

Source Agencies: 301 Office of the Governor, 405 Department of Public Safety, 601 Department of Transportation, 701 Central Education Agency

LBB Staff: JOB, ES, SD, TG, KJG, MW, VDS, GG, SMi