

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 25, 2007

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

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

IN RE: SB1701 by Harris (Relating to the appointment of a successor guardian for certain wards adjudicated as totally incapacitated.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1701, As Introduced: a negative impact of (\$6,984,884) 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	(\$3,492,442)
2009	(\$3,492,442)
2010	(\$3,601,984)
2011	(\$3,714,427)
2012	(\$3,714,427)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1	Change in Number of State Employees from FY 2007
2008	(\$3,492,442)	41.0
2009	(\$3,492,442)	41.0
2010	(\$3,601,984)	43.0
2011	(\$3,714,427)	45.0
2012	(\$3,714,427)	45.0

Fiscal Analysis

The bill would amend Section 695, Texas Probate Code, to allow the court to appoint the Department of Aging and Disability Services (DADS) as a successor guardian of a ward who has been adjudicated totally incapacitated if (a) no family member or other suitable person, including a guardianship program, is willing and able to serve and (b) the ward is located more than 100 miles from the court that created the guardianship. It would also amend Section 161.101, Human Resources Code, to require the department to agree to serve as the successor guardian. The bill would take effect immediately upon two-thirds vote, or on September 1, 2007.

Methodology

DADS indicates that guardianship caseloads would increase by 541 and an additional 33 undocumented wards would be made eligible by the bill per year. The agency estimates a total annual cost of \$3.5 million for fiscal years 2008-09, \$3.6 million for fiscal year 2010, and \$3.7 million for fiscal years 2011-12 to implement the provisions of the bill. This would be financed with General Revenue Funds.

The total annual cost includes approximately \$1.5 million per year for salaries, fringe benefits, travel, and standard overhead for guardianship specialists (annual salary = \$35,337) and guardianship supervisors (annual salary = \$37,599) to handle the additional workload. It also includes \$1.2 million per year for services to undocumented wards made eligible by the bill. Costs would be higher if the bill is enacted immediately.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 530 Family and Protective Services, Department of, 539 Aging and Disability Services, Department of

LBB Staff: JOB, MN, PP, NM