

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 23, 2009**

**TO:** Honorable Tommy Merritt, Chair, House Committee on Public Safety

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

**IN RE: HB286** 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 HB286, As Introduced: an impact of \$0 through the biennium ending August 31, 2011.

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:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2010	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Revenue Gain from <i>Driving While Intoxicated Prevention Account</i></b>	<b>Probable (Cost) from <i>Driving While Intoxicated Prevention Account</i></b>	<b>Change in Number of State Employees from FY 2009</b>
2010	\$183,000	(\$122,941)	1.0
2011	\$447,000	(\$118,941)	1.0
2012	\$457,000	(\$118,941)	1.0
2013	\$466,000	(\$118,941)	1.0
2014	\$476,000	(\$118,941)	1.0

**Fiscal Analysis**

SECTION 1 of the bill would amend the Government Code by adding Chapter 423 for the creation of Driving While Intoxicated Prevention office. The bill would add Section 423.001 to the Government Code, allowing for the appointment by the governor of an executive commissioner for the Driving While Intoxicated Prevention office created by this section of the bill to monitor driving while intoxicated data, other states laws and prevention programs, and other related duties. This section of the bill would also add Section 423.002 to the Government Code, which would create a new general revenue account for the Driving While Intoxicated program, where the cost described in Section 2 of the bill, gifts, grants, and interest would be deposited to the account.

SECTION 2 of the bill would amend Article 102.018 of the Code of Criminal Procedure by adding

Subsection (e) to authorize a cost of \$10 that would be imposed on persons convicted of driving while intoxicated. The \$10 cost for this change would be deposited to the Driving While Intoxicated Prevention account.

SECTION 3 of the bill includes conforming language for legislation passed by the Eightieth Legislature, Regular Session, 2007 and has no fiscal impact to the state. As part of the conforming language, this section of the bill would make nonsubstantive changes including repealing Section 102.0215 of the Government Code after placing that statute within Section 102.021(17) of the Government Code.

SECTION 4 of the bill would require the governor to appoint the executive commissioner for the prevention of driving while intoxicated after the effective date of the act, with the term of the commissioner expiring on February 1, 2011.

SECTION 5 of the bill makes this act effective September 1, 2009.

### **Methodology**

According to the Comptroller of Public Accounts (CPA), the estimated revenue from the \$10 cost was based on the *2010-11 Biennial Revenue Estimate (BRE)* using the \$100 DWI court cost deposited to GR Account—EMS, Trauma Facilities and Trauma Care Systems as a reference. Based on the current DWI court cost, which includes an estimated 60 percent collection rate in the BRE, approximately 18,300 payments in fiscal year 2010; 44,700 payments in fiscal year 2010; 45,700 payments in fiscal year 2012; 46,600 payments in fiscal year 2013; and 47,600 payments in fiscal year 2014. For fiscal year 2010, the CPA adjusted its revenue estimate to account for an implementation lag in the first year for a total of \$183,000 in estimated collected revenue. For the subsequent years the CPA assumes a full year of collection with an estimated \$447,000 in fiscal year 2011 and gradually increasing each year to reach an estimated \$476,000 in fiscal year 2014.

The bill would allow for the appointment by the governor of an executive commissioner for the Driving While Intoxicated Prevention office. It is assumed that the cost of salaries and wages would be \$84,733 per fiscal year and \$24,208 per fiscal year for benefits out of General Revenue. In addition, one-time costs of \$4,000 for equipment such as computers, desks, and telephones in fiscal year 2010 and on-going costs including travel of \$5,000 per fiscal year and other operating expenses of \$5,000 per fiscal year would be needed.

This legislation 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. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

### **Local Government Impact**

No significant 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

**LBB Staff:** JOB, ESi, MS, BTA, SD, JJO