

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

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

**March 10, 2009**

**TO:** Honorable Edmund Kuempel, Chair, House Committee on Licensing & Administrative Procedures

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

**IN RE: HB963** by Guillen (Relating to a criminal history evaluation letter determining occupational license eligibility.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB963, As Introduced: an impact of \$0 through the biennium ending August 31, 2011.

This 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
2010	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

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

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Revenue Gain/ (Loss) from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2009
2010	(\$329,704)	\$329,704	5.0
2011	(\$272,097)	\$272,097	5.0
2012	(\$272,097)	\$272,097	5.0
2013	(\$272,097)	\$272,097	5.0
2014	(\$272,097)	\$272,097	5.0

**Fiscal Analysis**

The bill would allow a person enrolled or planning to enroll in an educational program in preparation for a state-issued license, or planning to take an examination for a state-issued license, to request from that licensing agency a criminal history evaluation letter to determine the person's eligibility for the license. The licensing agency would be required to determine the person's eligibility based on criminal history background checks and to respond to the person's request within 90 days.

This bill authorizes the licensing agency to charge and collect a fee in an amount sufficient to cover the costs of the administration of the provisions of this bill.

## **Methodology**

According to the analysis of the Board of Podiatric Medical Examiners, the Texas State Board of Dental Examiners, the Department of Banking, the Real Estate Commission, the Executive Council of Physical Therapy & Occupational Therapy Examiners, the Board of Public Accountancy, the Funeral Service Commission, the Texas Board of Nursing, the Comptroller of Public Accounts, the Department of Savings and Mortgage Lending, the Board of Plumbing Examiners, the Department of Public Safety, and the Department of Insurance, these agencies would be able to absorb the costs of implementing the bill within the existing resources of the agency.

The Board of Chiropractic Examiners, the Texas Medical Board, the Optometry Board, the Department of Licensing and Regulation, and Texas State Board of Pharmacy estimate increased costs for additional FTEs to implement the provisions of the bill. The calculations of these agencies are based on the number of licensees, the percent of existing licensee population with criminal histories, and the licensees required to take exams or enroll in an education program to become eligible for the license.

The analysis assumes each agency would assess and collect fees for supplying the criminal history background check eligibility letter to cover the cost of implementing the provisions of the bill.

## **Local Government Impact**

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

**Source Agencies:** 304 Comptroller of Public Accounts, 312 Securities Board, 329 Real Estate Commission, 405 Department of Public Safety, 450 Department of Savings and Mortgage Lending, 451 Department of Banking, 452 Department of Licensing and Regulation, 454 Department of Insurance, 456 Board of Plumbing Examiners, 457 Board of Public Accountancy, 464 Board of Professional Land Surveying, 503 Texas Medical Board, 504 Texas State Board of Dental Examiners, 507 Texas Board of Nursing, 508 Board of Chiropractic Examiners, 512 Board of Podiatric Medical Examiners, 513 Funeral Service Commission, 514 Optometry Board, 515 Board of Pharmacy, 533 Executive Council of Physical Therapy & Occupational Therapy Examiners

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