

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 20, 2009

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

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

IN RE: HB2033 by Kolkhorst (Relating to the regulation of polygraph examiners by the Texas Department of Licensing and Regulation and the abolition of the Polygraph Examiners Board.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2033, As Introduced: a positive impact of \$89,776 through the biennium ending August 31, 2011.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$44,888
2011	\$44,888
2012	\$44,888
2013	\$44,888
2014	\$44,888

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2009
2010	\$44,888	(1.0)
2011	\$44,888	(1.0)
2012	\$44,888	(1.0)
2013	\$44,888	(1.0)
2014	\$44,888	(1.0)

Fiscal Analysis

The bill would amend the Occupations Code and the Government Code to abolish the Polygraph Examiners Board and transfer the regulation of polygraph examiners from the Department of Public Safety (DPS) to the Texas Department of Licensing and Regulation (TDLR). Sections one through seven of the bill establish the Polygraph Advisory Committee, which would operate under the auspices of TDLR. Section four of the bill states that the Polygraph Advisory Committee would consist of five instead of seven members.

Section eight of the bill would require that an application for a polygraph examiner license must be made to TDLR and be accompanied by the required nonrefundable fee.

Section thirteen of the bill would permit TDLR to issue a polygraph examiner internship license to an applicant who applies for the license and pays the required fee.

Section nineteen of the bill also states that a written contract for a polygraph examiner's services and a waiver of liability signed by the subject of a polygraph examination must inform the subject of the procedures to file a complaint against the examiner with TDLR and contain contact information for TDLR.

Section twenty-seven of the bill would repeal Occupations Code, Sections 1703.005, 1703.052, 1703.053, 1703.056, 1703.204, 1703.352, and Subchapter D, Chapter 1703 of the Occupations Code. In addition, the bill would repeal Section 1703.057, Occupations Code, which provides board members with a per diem compensation or travel reimbursement. The bill would also repeal Subchapter C, Occupations Code, Chapter 1703 which establishes a fee schedule for the Polygraph Examiners Board. This repeal removes fee caps from the statute. Additionally, the bill would repeal Section 1703.253, Occupations Code, which provides a fee schedule for renewal licenses that is based on the whether the license has expired and varies according to the time lapsed since the expiration of the license.

Section twenty-nine of the bill would transfer all unexpended funds appropriated to the Polygraph Examiners Board to TDLR, and requires that the transfer of the obligations, property, full-time equivalent positions, rights, powers, and duties must be completed not later than January 1, 2010.

The bill would take effect on September 1, 2009.

Methodology

The Sunset Advisory Commission estimates the bill would result in a savings of \$44,888 in General Revenue funds per year based on the elimination of one administrative assistant position with a \$32,888 annual salary and \$12,000 per year in travel savings by replacing the seven member Polygraph Examiners Board with a five member TDLR polygraph advisory committee. TDLR has asked during the current legislative session for reimbursement of advisory committee members. If this authority is given to TDLR, the projected savings each year would be reduced. Based on the TDLR's analysis, it is assumed that TDLR would adjust license fees to cover any additional costs associated with the implementation of this bill.

Local Government Impact

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

Source Agencies: 116 Sunset Advisory Commission, 405 Department of Public Safety, 452 Department of Licensing and Regulation

LBB Staff: JOB, ESi, LG, MWU, ES