

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

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

**April 5, 2009**

**TO:** Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

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

**IN RE: HB2731** by Gattis (Relating to attorney general representation in a contested case hearing of a person licensed or regulated by certain state agencies.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2731, As Introduced: a negative impact of (\$1,783,308) 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	(\$920,764)
2011	(\$862,544)
2012	(\$862,544)
2013	(\$862,544)
2014	(\$862,544)

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

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund 1</b>	<b>Change in Number of State Employees from FY 2009</b>
2010	(\$920,764)	13.0
2011	(\$862,544)	13.0
2012	(\$862,544)	13.0
2013	(\$862,544)	13.0
2014	(\$862,544)	13.0

**Fiscal Analysis**

The bill would amend the Occupational Code and transfer the responsibility for handling prosecutions before the State Office of Administrative Hearings (SOAH) to the Office of the Attorney General (OAG) for the following agencies: the Texas Medical Board, the Texas State Board of Acupuncture, the Texas Physician Assistant Board, the Texas Board of Chiropractic Examiners, the Texas State Board of Podiatric Medical Examiners, the State Board of Dental Examiners, the Texas Board of Nursing, the Texas Optometry Board, the Texas State Board of Examiners of Psychologists, and the Texas State Board of Pharmacy in contested case hearings related to an individual licensed or regulated by the boards.

## **Methodology**

The Office of the Attorney General (OAG) indicates that implementing the provisions of the bill would require additional Full Time Equivalent (FTE) positions in order to handle prosecutions for the aforementioned agencies. This analysis assumes that the agencies listed above would retain the current number of staff, including attorneys, and would assist the OAG with the investigative function and as subject matter experts and serve as second chair counsel in a majority of the cases brought before the State Office of Administrative Hearings.

This analysis assumes that the OAG would need an additional 13 FTEs, which includes 1 Assistant Attorney General V, 8 Assistant Attorneys General II, 2 Legal Assistants, and 2 Legal Secretaries, for a total salary cost of \$624,040 for each fiscal year out of the General Revenue Fund. In addition, a one-time cost of \$26,178 would be required for items such as furniture and cubicles in fiscal year 2010 out of the General Revenue Fund. General operating and overhead costs totaling \$57,122 would be required each fiscal year for items such as consumables, copy machine rental, telephone charges, etc. out of the General Revenue Fund. Furthermore, data center service charges would be approximately \$3,094 per fiscal year out of the General Revenue Fund. In addition, employee benefits would total \$178,288 per fiscal year and be appropriated to the Employee Retirement System.

## **Technology**

A one-time cost for technology items such as computers would total \$32,042 in fiscal year 2010 out of the General Revenue Fund.

## **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 302 Office of the Attorney General, 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, 514 Optometry Board, 515 Board of Pharmacy, 520 Board of Examiners of Psychologists

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