

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

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

**May 28, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

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

**IN RE: HB2917** by McReynolds (Relating to authorizing the Department of State Health Services to obtain criminal history record information for certain applicants for employment.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill expands the authority of the Department of State Health Services (DSHS) to obtain criminal history record information for certain applicants for employment, employees, and in some cases contractors at the:

1. Texas Center for Infectious Disease (TCID)
2. South Texas Health Care System (STHCS)
3. Bureau of Vital Statistics of the DSHS, or
4. Council on Sex Offenders or other division or component of DSHS that monitors sexually violent predators.

According to DSHS, there would be minimal additional costs; that could be absorbed, and revenue associated with the expanded criminal background checks due to the fact that some employees at these entities are already receiving criminal background checks and the costs for the checks are not very high (\$1.00 per applicant for a name check and \$44.20 for an FBI background check).

Senate Floor Amendment #2 would transfer the functions of the Council on Sex Offender Treatment at DSHS, which currently performs the functions related to the sex offender civil commitment program to the Office of Violent Sex Offender Management (Office), a new agency created by the bill. DSHS indicates that the fiscal year 2009 appropriation for the sex offender civil commitment program was \$3,039,193 and that there were 14 Full-Time-Equivalent (FTE) positions associated with the program. Based on the provisions in the bill, it is anticipated that this funding, the 14 associated FTEs as well as all other assets, duties, powers, obligations and liabilities will be transferred to the new Office, beginning September 1, 2009 (the effective date of the bill).

The sex offender civil commitment program at DSHS is currently funded through an interagency contract with the Judiciary Section of the Comptroller's Department; the new agency created by the bill could be funded by direct appropriations instead of through an interagency contract.

The bill creates a governing board associated with the Office and would entitle members of the board to reimbursement for certain expenses. Reimbursement would not be permissible without specific authorization in the General Appropriations Act. The bill also authorizes the new Office to apply for and accept grants and donations to be used in the performance of its duties, and requires the Office to prepare public information describing its functions and procedures and to prepare a biennial report for the Legislature concerning its operation. The bill also establishes a career ladder at the Office for case managers based on years of service. It is assumed that any additional responsibilities associated with the new Office could be absorbed within existing resources.

It is assumed that the responsibilities of the Special Prosecution Unit of Walker County, which initiates and pursues civil commitment proceedings, are not transferred to the Office. Funding for the

Special Prosecution Unit of Walker County is included in the appropriations for the Judiciary Section of the Comptroller's Department.

Senate Floor Amendment #3 would allow DSHS to disclose any data collected under the purview of the former Health Care Information Council and not included in public use data to any program within DSHS if it is reviewed and approved by the institutional review board. All data that is confidential remains subject to confidentiality provisions. Provision of data to programs within DSHS is exempted from certain other requirements; disclosure of physician identifying data is prohibited. According to DSHS, any cost to implement the provisions of the amendment would be minimal and can be absorbed within existing resources.

### **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety, 537 State Health Services, Department of, 694 Youth Commission, 696 Department of Criminal Justice

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