

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 8, 2009

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

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

IN RE: HB2931 by Vaught (Relating to an appeal by a deputy sheriff under county civil service to an independent third-party hearing examiner.), **As Introduced**

| |
|-----------------------------------------------------------|
| No fiscal implication to the State is anticipated. |
|-----------------------------------------------------------|

The bill would amend Subchapters A and B, Chapter 158, Local Government Code, to create in counties where the chapter has been adopted, an independent third-party appeals process for a deputy sheriff to pursue in response to certain disciplinary actions taken by the sheriff's office for which the deputy works. Minimum procedures are set out in the bill. The party who loses the appeal would be liable for the hearing examiner's fees and expenses. The costs of a witness would be paid by the party who calls the witness. A district court would be authorized to hear an appeal of a hearing examiner's award based only on certain specified grounds.

Subchapter A applies to a county with a population of 190,000 or more and Subchapter B applies to a county with a population of 500,000 or more.

Local Government Impact

A county would incur costs associated with implementing additional procedures and costs if the county were to lose an appeal. Costs would vary by applicable county.

Harris County (2000 U.S. Census population of 3.4 million) estimates an annual cost of at least \$1 million for additional personnel and \$4 million to \$5 million for operational costs to get settlements prior to engaging a hearing officer.

Bexar County (2000 U.S. Census population of 1.4 million) reports there were 20 appeals filed and heard in civil service in fiscal year 2007-08, with Bexar County prevailing in approximately 90 percent of the cases. If each appeal had gone to an independent hearing and had been lost by the county, the annual negative fiscal impact to the county would have been \$40,000.

Source Agencies:

LBB Staff: JOB, DB