

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION
Revision 1

May 6, 2009

TO: Honorable Burt R. Solomons, Chair, House Committee on State Affairs

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

IN RE: HB3796 by Morrison (Relating to informed and voluntary consent for an abortion and the collection and reporting of information related to the performance of an abortion; providing penalties.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3796, Committee Report 1st House, Substituted: a negative impact of (\$1,039,376) 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:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$530,948)
2011	(\$508,428)
2012	(\$508,428)
2013	(\$508,428)
2014	(\$508,428)

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2009
2010	(\$530,948)	7.0
2011	(\$508,428)	7.0
2012	(\$508,428)	7.0
2013	(\$508,428)	7.0
2014	(\$508,428)	7.0

Fiscal Analysis

The bill would require the Department of State Health Services (DSHS) to require a physician who performs an abortion to provide certain information and services relating to referral for domestic violence assistance.

The bill would require DSHS to develop a coerced abortion form and an abortion complication form and to provide the forms to certain physicians along with related information. The bill would also require DSHS to provide an abortion reporting form to certain physicians along with related information.

The bill would require a physician performing an abortion to submit to DSHS abortion reporting forms monthly, and abortion complication forms not more than seven days after the date of the diagnosis or treatment. The bill would require DSHS to issue an annual aggregate public report summarizing the information submitted on the abortion reporting and abortion complication forms. The bill would provide that physicians who do not file forms in the manner prescribed by the bill are subject to a late fee of \$500. The bill would provide that physicians under certain conditions and in an action brought by DSHS could be directed by a court to submit a complete form or report or be subject to sanctions for civil contempt. The bill would create a misdemeanor offense.

Methodology

The agency assumes that five full-time-equivalent positions (FTEs) would be necessary for the development and administration relating to the forms created by the bill. The agency based this assumption on the receipt and processing of an estimated 86,000 forms per year. The agency assumes that two FTEs would be necessary for investigation and administration relating to reporting requirement complaints, assessment of late fees, and allegations of coercion. The agency based this assumption on the receipt of 150 complaints per year. The agency estimates the salary and benefit costs for the FTEs to be \$278,462 in fiscal year 2010 and \$370,040 in each subsequent fiscal year.

The agency estimates that the total cost of the bill would be \$530,948 in General Revenue in fiscal year 2010 and \$508,428 in General Revenue in each subsequent fiscal year.

Technology

The agency estimates a technology cost of \$66,760 in fiscal year 2010, including one-time costs relating to software modification for data extraction and enhanced security, and \$10,660 in each subsequent fiscal year for ongoing technology costs.

Local Government Impact

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

Source Agencies: 537 State Health Services, Department of

LBB Staff: JOB, KJG, LR, JJ