

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

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

**April 27, 2009**

**TO:** Honorable Edmund Kuempel, Chair, House Committee on Licensing & Administrative Procedures

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

**IN RE: SB809** by Whitmire (Relating to the issuance of an occupational license to certain applicants with criminal convictions.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB809, As Engrossed: an impact of \$0 through the biennium ending August 31, 2011.

This 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	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

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

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Revenue Gain from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2009
2010	(\$52,146)	\$52,146	0.5
2011	(\$26,146)	\$26,146	0.5
2012	(\$26,146)	\$26,146	0.5
2013	(\$26,146)	\$26,146	0.5
2014	(\$26,146)	\$26,146	0.5

**Fiscal Analysis**

The bill would amend the Occupations Code to allow various regulatory agencies to provide licenses or provisional licenses to applicants who have had certain previous criminal convictions. The bill would also authorize the licensing agency to revoke the provisional license if the provisional license holder commits a new offense, commits an act or omission that causes the person's community supervision, mandatory supervision, or parole to be revoked, or violates the law or rules governing the practice of the occupation for which the license is issued. The bill requires the licensing authority to notify the probation or parole department that a provisional license has been issued. The bill requires the licensing authority to issue the license for which the applicant originally applied to a provisional license holder on the expiration of the provisional license term if there are no violations.

The bill would take effect immediately upon receiving a two-thirds vote of all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If the bill does not receive the vote necessary for immediate effect, the bill would take effect September 1, 2009.

### **Methodology**

Based on the analysis of the Real Estate Commission, the Department of Licensing and Regulation, and the Department of Insurance, this analysis assumes that these agencies would be able to implement the provisions of the bill using existing agency resources.

Based on information provided by the Board of Chiropractic Examiners, it is assumed that the agency would need 0.5 additional FTEs (Administrative Assistant) at a salary of \$19,558 each fiscal year to implement the database changes and to monitor ongoing criminal records for provisional license holders. It is also assumed that \$15,000 in professional fees would be required in fiscal year 2010 in addition to \$5,000 operating and equipment costs with \$1,000 in operating costs continuing in each subsequent fiscal year.

Based on information provided by the Board of Professional Land Surveyors, it is assumed that implementing the provisions of the bill would require modifying database for the provisional license status at a cost of \$4,000 in fiscal year 2010.

This analysis assumes that any increased costs to agencies which are statutorily required to generate sufficient revenue to cover their costs of operation would be offset by an increase in fee generated revenue.

### **Technology**

The Board of Chiropractic Examiners estimates there would be a cost of \$18,000 in 2010 for modifying its database to implement the provisions of the bill. The Board of Professional Land Surveyors estimates technology costs for database modification would be \$4,000 in 2010.

### **Local Government Impact**

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

**Source Agencies:** 329 Real Estate Commission, 452 Department of Licensing and Regulation, 454 Department of Insurance, 464 Board of Professional Land Surveying, 508 Board of Chiropractic Examiners

**LBB Staff:** JOB, ESi, MW, ES, JRO