

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 14, 2011

**TO:** Honorable Sid Miller, Chair, House Committee on Homeland Security & Public Safety

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

**IN RE: HB102** by Martinez Fischer (Relating to the appointment and duties of and the funding for an executive commissioner for the prevention of driving while intoxicated.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB102, As Introduced: a negative impact of (\$49,304) through the biennium ending August 31, 2013.

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
2012	(\$49,304)
2013	\$0
2014	\$0
2015	\$0
2016	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from <i>Driving While Intoxicated Prevention Account, New</i>	Probable Savings/ (Cost) from <i>Driving While Intoxicated Prevention Account, New</i>	Probable Savings/ (Cost) from <i>General Revenue Fund 1</i>	Change in Number of State Employees from FY 2011
2012	\$264,000	(\$264,000)	(\$49,304)	3.0
2013	\$321,000	(\$293,309)	\$0	3.0
2014	\$324,000	(\$293,309)	\$0	3.0
2015	\$328,000	(\$293,309)	\$0	3.0
2016	\$332,000	(\$293,309)	\$0	3.0

Fiscal Analysis

The bill would amend the Government Code and create the office of Executive Commissioner for Prevention of Driving while Intoxicated. The Commissioner would be appointed by the Governor and administratively attached to the Office of the Governor. The Commissioner would be responsible for monitoring driving while intoxicated data collected in this state, monitoring other states for laws and programs that have been successful in reducing the number of driving while intoxicated offenses, and work with certain state agencies to reduce alcoholism, recidivism, and the number of intoxication offenses committed in this state.

The bill would also create a new court cost of \$10 to be paid upon conviction of an offense relating to

the operation of a motor vehicle while intoxicated. The new court cost would go to the State for deposit to the credit of the Driving While Intoxicated Prevention Account and support the office of the Executive Commissioner for the Prevention of Driving While Intoxicated.

**Methodology**

The Office of the Governor indicates that it would require 3 additional staff, which includes the Executive Commissioner, to implement provisions of the bill. It is assumed that \$190,000 each fiscal year would be required for salaries. Benefit costs associated with those additional FTEs would total \$52,934 each fiscal year. Operating expenses would total \$33,345 in fiscal year 2012, including one-time startup costs, and \$13,350 each remaining fiscal year. Travel expenses would total \$9,000 each fiscal year. Professional fees and services would total \$28,025 each fiscal year for research and related services.

The new \$10 court cost that would be applied to four intoxication offense types is estimated to generate new revenue that would be deposited to the new General Revenue-Dedicated (GR-D) account created by the bill. According to the Office of Court Administration (OCA), in fiscal year 2010 there were 78,576 related convictions from the county and district courts. For the revenue estimate the Comptroller of Public Accounts (CPA) assumed 79,224 convictions for the first year, with a 40 percent collection rate, and a growth rate of 1-2 percent per year. The new court cost would not be charged until January 1, 2012 and as a result fiscal year 2012 collections are lower, reflecting a partial year implementation (or \$264,000 in revenue). Therefore, since cost estimates total \$313,304 in fiscal year 2012, it is assumed that the funding required above the amount generated by the new fee would be out of the General Revenue Fund, which would total \$49,304 in fiscal year 2012. It is also assumed that sufficient revenue would be generated in the new General Revenue-Dedicated (GR-D) account created by the bill to fund the office for the remaining years.

**Local Government Impact**

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

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 304 Comptroller of Public Accounts, 405 Department of Public Safety

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