

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 2, 2011

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

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

IN RE: SB653 by Whitmire (Relating to abolishing the Texas Youth Commission and the Texas Juvenile Probation Commission and transferring the powers and duties of those agencies to the newly created Texas Juvenile Justice Department and to the functions of the independent ombudsman that serves the department.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for SB653, As Passed 2nd House: a positive impact of \$3,296,296 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	\$1,314,449
2013	\$1,981,847
2014	\$1,984,489
2015	\$1,984,148
2016	\$1,984,148

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2011
2012	\$1,314,449	(21.0)
2013	\$1,981,847	(21.0)
2014	\$1,984,489	(21.0)
2015	\$1,984,148	(21.0)
2016	\$1,984,148	(21.0)

The bill as passed 2nd house would amend the Human Resources Code (HRC) by adding Title 12, which would create the Texas Juvenile Justice Board and the Texas Juvenile Justice Department (TJJD). It would also create a transition team to oversee the creation of the new agency during the first seven months of fiscal year 2012, and abolish the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (JPC) on December 1, 2011. The members of the board and the transition team are to be appointed by the Office of the Governor, whose representative also serves as the presiding officer over the transition team.

Beginning December 1, 2011, all powers and duties of TYC and JPC would transfer to the new agency and all references to TYC or JPC in other law would be references to the new agency. TJJD would be subject to review by the Sunset Advisory Commission in 2017.

The bill would repeal Subchapters A, B, and H, Chapter 61, HRC, and Subchapters A and B, Chapter 141, HRC. Those chapters establish and outline the duties of TYC and JPC, respectively. Subchapter H allows the Texas Youth Commission to establish a youth boot camp program. Repealed text from Subchapters A and B of Chapters 61 and 141, HRC, are moved to HRC, Title 12, Chapter 201.

Subchapter A of Chapter 201A, Title 12, HRC establishes a seven member transition team consisting of representatives of government, the executive directors of JPC and TYC, and other stakeholders in juvenile justice matters. The transition team is established beginning September 1, 2011 and coordinates and oversees the transition of services and facilities from JPC and TYC to TJJD before December 1, 2011. Between December 1, 2011 and March 1, 2012, the transition team shall further assist the TJJD in the transition. The chapter that establishes the transition team expires March 31, 2012.

Section 202.001 would establish the 13-member Texas Juvenile Justice Board. Section 202.006 would require board members to participate in a training program prior to exercising duties as members of the board. A board member is entitled to reimbursement for travel expenses incurred in attending the training program. Furthermore, a board member is not entitled to compensation for service on the board, but is entitled to reimbursement for actual and necessary expenses incurred in performing official duties as a board member. Section 203.0081 establishes a 13-member Advisory Council on Juvenile Services that would assist the department in determining the needs and problems of county juvenile boards and departments, conduct long-range strategic planning, review standards, analyze costs, and advise the board on other matters of importance to the department.

SECTION 1.004 of the bill would transfer Subchapters C, D, and E, Chapter 141, HRC, to Subtitle B, Title 12, HRC, and redesignate them as Chapters 221, 222, and 223, respectively. This transfers the duties of JPC regarding assistance to counties and regulation of juvenile boards and juvenile probation departments, to TJJD. The committee substitute does not replace Section 141.056, HRC in Chapters 221, 222, or 223. This has the effect of removing the direction to study alternatives to the juvenile justice system for children who engage in acts of prostitution. The transfer also includes the present duties of JPC regarding setting standards for and regulating juvenile probation officers and distributing state aid to local juvenile probation boards. Section 223.001 (d) removes the requirement that funding formulas established by JPC (or TJJD) include all grants for which the commission, on or before September 1, 2009, established an allocation formula. This would allow for a change in the number of grants that provide state aid to local juvenile probation boards.

SECTION 1.006 of the bill would transfer Subchapter G, Chapter 61, HRC, to Subtitle C, Title 12, HRC, and redesignate it as Chapter 241. This transfers the duties of TYC regarding secure facilities to TJJD. SECTION 1.007 of the bill transfers Subchapters C, D, E, and F, Chapter 61, HRC, to Subtitle C, Title 12, HRC, and redesignates them as Chapters 242, 243, 244 and 245, respectively. Section 242.002 directs the agency to study the effectiveness of treatment methods in cooperation with local courts and other entities, which would be easily absorbed within the current resources of TYC and JPC. SECTION 1.008 of the bill transfers Subchapters H and I, Chapter 61, HRC, to Subtitle 12, HRC, and redesignates them as Chapter 246.

SECTION 1.010 of the bill would transfer Chapter 64, HRC to Subtitle D, Title 12, HRC and redesignate it as Chapter 261. The transfer includes the present duties of the Independent Ombudsman of TYC, and continues its responsibilities, transferring them to oversight of the new board and establishing the office's independence. Section 221.010 of the bill establishes a monthly reporting requirement for local juvenile probation departments to report the complaints received by the department relating to children being served by that department.

The bill would repeal Subchapters A, B, and H, Chapter 61, HRC and Subchapters A and B, Chapter 141, HRC, as described above.

Section 2.002 of the bill would amend Section 58.102, Family Code, by adding Subsection (f), which exempts the juvenile justice information system from inclusion in the statewide technology center.

SECTION 4.007 of the bill would allow TYC or TJJD to transfer a closed facility to the county or

municipality in which it is located, if the county has a population of less than 100,000. The transfer of property must be for a purpose that benefits the public interest of the state. If the county or municipality ceases to use the property for a public purpose, ownership of the property would revert to TJJD. The transfer of the property would not include mineral interests in the property, and would prohibit exploration of the property related to mineral interests. The Texas Public Finance Authority would need to determine the amount of outstanding indebtedness on any property transferred to a county or municipality to ensure the transfer complies with the United States Internal Revenue code and other state laws.

Fiscal Analysis

The bill would create the new Texas Juvenile Justice Department by merging the Texas Youth Commission and the Juvenile Probation Commission, including their primary responsibilities. The bill would also create a seven member transition team that would oversee the creation of TJJD during the first seven months of fiscal year 2012. The bill allows for the necessary costs of the transition team, such as travel expenses to meetings, to be reimbursed. This analysis assumes that up to four members of the transition team could be from locations outside of Austin, and therefore require reimbursement for travel expenditures and other necessary expenses.

This analysis assumes that the responsibilities of TYC and JPC could be merged without creating additional costs for the state. Furthermore, it is assumed that nine executive staff positions could be eliminated, to reduce duplication of efforts in the new agency. It is also assumed that central office staff can be reduced by 5%, to avoid the duplication of certain positions. This analysis assumes an overall FTE reduction of 21 persons from central office positions.

The bill exempts the juvenile justice information system from the statewide technology center. This analysis assumes that the exemption would not pose a significant fiscal impact to the state, aside from the costs identified in the technology section associated with combining the other activities of the Juvenile Probation Commission with the already-in-process consolidation of data from the Texas Youth Commission.

The bill deletes the requirement in current law that TYC adopt and implement a plan to achieve American Correctional Association accreditation for each facility. The elimination of this provision may result in additional savings to the state, but the exact savings cannot be estimated at this time.

The bill would require the board to develop regularly updated performance measures of the effectiveness of programs and services, make those measures publicly available online, and use the outcomes to determine funding levels for programs and services. This analysis assumes that this provision could be met within current resources.

The bill would require that the department provide prevention and intervention services to youth who are at risk for delinquency, truancy, dropping out of school, or referral to the juvenile justice system. The services must be provided to the extent that funds are available.

Methodology

Salaries for the nine executive positions in TYC and JPC that would be redundant in the new agency are estimated to total \$1,286,589. Eight of those positions could be eliminated for nine months of fiscal year 2012, which would produce savings of \$811,510. All nine positions could be eliminated in fiscal year 2013, for savings of \$1,286,589. This analysis further assumes that approximately 5% of central office staff may be reduced due to duplicated efforts, beginning December 1, 2011. This would result in savings of \$613,586 in fiscal year 2012 and \$818,115 in savings in fiscal year 2013 along with a reduction of 12 FTEs in both years. The total savings related to FTE reductions in fiscal year 2012 would be \$1,425,096, and in fiscal year 2013 would be \$2,104,704. These savings are expected to continue through fiscal year 2016. This analysis assumes that travel costs and other necessary expenditures for members of the seven person transition team will total \$7,000 in fiscal year 2012. The estimates were determined by assuming travel costs of \$250 per monthly visit for four members of the transition team. The duties associated with that group will end on March 31, 2012.

Technology

The Texas Youth Commission presently participates in the Data Center Consolidation (DCS) project in accordance with Government Code, Chapter 2054, Subchapter L and the Juvenile Probation Commission does not. In order to add the additional FTEs from the Juvenile Probation Commission to the state consolidated data center services when the two agencies merge into the Texas Juvenile Justice Department, the Department of Information Resources will need to provide assistance and expand the services currently used by the Texas Youth Commission. The additional costs of data center consolidation services will be \$103,647 in fiscal year 2012, \$122,857 in fiscal year 2013, \$120,215 in fiscal year 2014, \$120,556 in fiscal year 2015, and \$120,556 in fiscal year 2016. This analysis assumes that other costs associated with merging TYC's and JPC's computer systems can be reasonably accomplished within the agencies' current resources.

Local Government Impact

Fiscal impact will depend upon the funding structure provided to counties; however, it is not anticipated to be significant.

Source Agencies: 116 Sunset Advisory Commission, 665 Juvenile Probation Commission

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