LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 2, 2013

TO: Honorable Joseph Pickett, Chair, House Committee on Homeland Security & Public Safety

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB24** by Martinez Fischer (Relating to the appointment and duties of and the funding for a policy director for the prevention of driving while intoxicated; imposing a fee.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB24, Committee Report 1st House, Substituted: an impact of $0 through the biennium ending August 31, 2015.

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
2014	$0
2015	$0
2016	$0
2017	$0
2018	$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from *Driving While Intoxicated Prevention Account, New*	Probable Savings/(Cost) from *Driving While Intoxicated Prevention Account, New*	Change in Number of State Employees from FY 2013
2014	$300,000	($290,963)	3.0
2015	$360,000	($266,168)	3.0
2016	$360,000	($266,168)	3.0
2017	$360,000	($266,168)	3.0
2018	$360,000	($266,168)	3.0

Fiscal Analysis

The bill would amend the Government Code and create the office of policy director for prevention of driving while intoxicated. The policy director would be appointed by the Governor and administratively attached to the Office of the Governor. The policy director 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 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 Policy Director for the Prevention of Driving While Intoxicated.

The bill would also hold the office of policy director for prevention of driving while intoxicated subject to Government Code, Chapter 325 (Texas Sunset Act), and it would be abolished on September 1, 2015, unless continued in existence as provided by that chapter.

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. LBB staff assumes that $165,000 each fiscal year would be required for salaries. Benefit costs associated with those additional FTEs would total $49,071 each fiscal year. Operating expenses would total $39,867 in fiscal year 2014, including one-time startup costs, and $15,072 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 activities.

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 2012 there were 74,327 related convictions. For the revenue estimate the Comptroller of Public Accounts (CPA) assumed 72,000 convictions for the first year, with a 50 percent collection rate, and no growth rate. The CPA revenue estimate reflects a partial year implementation for fiscal year 2014.

Since cost estimates total $290,963 in fiscal year 2014, it is estimated that there will be sufficient revenue generated by the new fee to cover the costs of the office in fiscal year 2014. It is also estimated 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.

The Sunset Advisory Commission indicates the provisions of the bill could be implemented with existing resources.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Technology

LBB staff estimates technology costs to be $4,755 in the first fiscal year for one-time startup costs for the new office. The Department of Public Safety has indicated technology costs that the LBB estimates could be absorbed with existing resources.

Local Government Impact

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

Source Agencies: 116 Sunset Advisory Commission

LBB Staff: UP, ESi, EP, CK