

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

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 2, 2013**

**TO:** Honorable Richard Peña Raymond, Chair, House Committee on Human Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2072** by Rodriguez, Eddie (Relating to services for persons who are deaf or hard of hearing and licensing requirements for interpreters for persons who are deaf or hard of hearing; providing criminal penalties; changing the rate of a fee.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2072, As Introduced: 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:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2014	\$0
2015	\$0
2016	\$0
2017	\$0
2018	\$0

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

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund</b>	<b>Probable Revenue Gain/(Loss) from General Revenue Fund</b>
	<b>1</b>	<b>1</b>
2014	(\$275,066)	\$275,066
2015	(\$373,169)	\$373,169
2016	(\$391,989)	\$391,989
2017	(\$391,989)	\$391,989
2018	(\$391,989)	\$391,989

<b>Fiscal Year</b>	<b>Change in Number of State Employees from FY 2013</b>
2014	1.5
2015	2.0
2016	2.0
2017	2.0
2018	2.0

### **Fiscal Analysis**

The bill would amend Chapter 81 of the Human Resources Code to require that the Department of Assistive and Rehabilitative Services (DARS) license any person who provides interpreting services for individuals who are deaf or hard of hearing; exceptions are provided. Currently, DARS' Board for Evaluation of Interpreters (BEI) is responsible for testing and issuing of certificates to interpreters, and only those interpreting court proceedings are required to be certified. The bill would create a new subchapter assigning all of BEI's current duties and responsibilities for issuing certificates to the new licensing program. The bill would establish penalties for violation of the subchapter. The bill would authorize DARS to compel a license holder or applicant for a license to a mental or physical examination if DARS has a reasonable suspicion that the person is in violation of the subchapter.

The bill would require that DARS adopt rules to implement the new requirements no later than September 1, 2014. An individual would not be required to hold a license under the new section before September 1, 2014.

The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house, otherwise the bill would take effect September 1, 2013.

### **Methodology**

According to analysis by DARS, implementation of the provisions of the bill would result in an additional 250 potential licensees along with the conversion of existing certificate holders to licensees. Costs for DARS would be offset by fees (deposited to the General Revenue Fund). It is assumed the fees would be set in an amount to cover expenses associated with testing and the issuing and renewing of licenses, as authorized in the bill. Additional funding and full-time equivalents (FTEs) would, however, need to be appropriated to DARS. Based on the costs below, the fee for an interpreter license would range from \$395 to approximately \$550, based on the licensee's level of proficiency. The fee for a license renewal would range from approximately \$150 to \$250. In their analysis, DARS expressed concern at the percentage increase that would be required in order for the fees to cover the cost of the program. According to analysis provided by DARS, the resulting fees would be over 300% higher than the current fees.

Total costs for DARS, including expenses related to FTEs, the filming and rating of the additional performance tests, and expenses for hearing officers and witnesses, are estimated to be \$275,066 in All Funds in fiscal year 2014, \$373,169 in fiscal year 2015, and \$391,989 in each fiscal year thereafter. DARS would need 1.5 FTEs in fiscal year 2014 and 2.0 in each year thereafter. Total costs for the 2014-15 biennium also include \$23,561 but no additional FTEs, for enterprise support services.

The Comptroller of Public Accounts indicates that penalty fines for violations could affect

revenue collections, but the amounts in the aggregate cannot be determined.

### **Technology**

According to DARS, some modifications to existing systems are likely; however, no estimate was provided.

### **Local Government Impact**

The bill would create a Class B misdemeanor. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue from fines imposed and collected is not anticipated to have a significant fiscal impact.

**Source Agencies:** 304 Comptroller of Public Accounts, 538 Assistive and Rehabilitative Services, Department of

**LBB Staff:** UP, CL, MB, VJC, NB