

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION
Revision 1

April 16, 2015

TO: Honorable John Kuempel, Chair, House Committee on General Investigating & Ethics

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1690 by King, Phil (Relating to the prosecution of offenses against public administration, including ethics offenses.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1690, As Introduced: a negative impact of (\$393,720) through the biennium ending August 31, 2017.

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
2016	(\$199,760)
2017	(\$193,960)
2018	(\$193,960)
2019	(\$193,960)
2020	(\$193,960)

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2015
2016	(\$199,760)	2.0
2017	(\$193,960)	2.0
2018	(\$193,960)	2.0
2019	(\$193,960)	2.0
2020	(\$193,960)	2.0

Fiscal Analysis

The bill would amend the Government Code, to create a special prosecutor for offenses against public administration, including ethics offenses, as defined in the bill.

The special prosecutor could prosecute a person in any district or county court of appropriate jurisdiction and venue. The bill would provide that the Chief Justice of the Supreme Court of Texas appoint a special prosecutor who would be responsible for prosecuting these offenses, if any, over the course of the prosecutor's two-year term.

The bill would direct the Supreme Court of Texas to provide funds for use by the special prosecutor to pay costs incurred as a result of the prosecution of an offense under bill provisions. The bill would require state agencies and local law enforcement to cooperate with the special prosecutor to conduct the duties of that office.

The bill would provide that an officer of the Texas Rangers has the authority to investigate offenses against public administration prosecuted under the bill. Further, the special prosecutor could use investigators other than the Texas Rangers if the special prosecutor believes use of the Texas Rangers would result in a conflict of interest.

The bill would take effect September 1, 2015.

Methodology

The District Attorney's Office of Travis County reports that in fiscal year 2013, out of 193 complaints received, 8 included allegations amounting to offenses against public administration as defined in the bill. Assuming this complaint caseload would be ongoing, in this analysis, it is assumed that a special prosecutor appointed for a two-year term would serve part-time, but no more than 6 months out of each fiscal year at a cost of 80 percent of the pay of a district judge or professional prosecutor ($80 \text{ percent} \times \$140,000 = \$112,000 / 2 = \$56,000$). This annual rate of \$56,000 would incur benefits costs of \$18,133 each fiscal year.

To assist the special prosecutor in the prosecutor's duties, this analysis also assumes a full-time case coordinator paid \$50,000 each fiscal year would be necessary to assist in preparing 8 complaints each fiscal year for investigation or prosecution. Related benefits for this position would total \$16,190 each fiscal year.

In the event the Department of Public Safety or local law enforcement would be unable to assist the special prosecutor due to a conflict of interest, this analysis assumes a part-time investigator paid \$60,000 may be needed for six months of each fiscal year ($\$60,000 / 2 = \$30,000$). This annual rate would incur benefits costs of \$9,714 each fiscal year.

Together, these three positions would equate to 2.0 full-time-equivalency positions each fiscal year. Travel and other operating costs are assumed at \$13,923 each fiscal year. In fiscal year 2016, there would be \$5,800 in one-time costs related to providing the new FTEs with necessary equipment and supplies.

The Department of Public Safety indicates it could reasonably absorb any additional duties associated with bill provisions within existing resources.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 356 Texas Ethics Commission, 405 Department of Public Safety

LBB Staff: UP, FR, MW, TB, SD