

ALCOHOLIC BEVERAGE COMMISSION¹

	For the Years Ending	
	August 31, 2010	August 31, 2011
Method of Financing:		
General Revenue Fund	\$ 44,601,770	\$ 43,192,719
Federal Funds	351,200	351,200
<u>Other Funds</u>		
Appropriated Receipts	23,750	23,750
Criminal Justice Grants	130,000	130,000
Subtotal, Other Funds	\$ 153,750	\$ 153,750
Total, Method of Financing	\$ 45,106,720	\$ 43,697,669
Other Direct and Indirect Costs Appropriated Elsewhere in this Act	\$ 11,350,925	\$ 11,846,414
This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.		
Number of Full-Time-Equivalents (FTE):	696.0	696.0
Schedule of Exempt Positions:		
Administrator, Group 5	\$122,500	\$122,500
Items of Appropriation:		
A. Goal: REGULATE DISTRIBUTION Promote the Health, Safety, and Welfare of the Public.		
A.1.1. Strategy: ENFORCEMENT	\$ 23,031,975	\$ 22,864,714
B. Goal: LICENSING AND INVESTIGATION Process Applications and Issue Alcoholic Beverage Licenses & Permits.		
B.1.1. Strategy: LICENSING AND INVESTIGATION	\$ 4,983,388	\$ 4,226,123
C. Goal: COLLECT FEES AND TAXES Ensure Compliance with Fees & Taxes.		
C.1.1. Strategy: COMPLIANCE MONITORING Conduct Inspections and Monitor Compliance.	\$ 6,926,066	\$ 6,359,017
C.2.1. Strategy: PORTS OF ENTRY Nontransferable.	\$ 4,632,158	\$ 4,627,461
Total, Goal C: COLLECT FEES AND TAXES	\$ 11,558,224	\$ 10,986,478
D. Goal: INDIRECT ADMINISTRATION		
D.1.1. Strategy: CENTRAL ADMINISTRATION	\$ 2,424,564	\$ 2,465,010
D.1.2. Strategy: INFORMATION RESOURCES	\$ 2,473,285	\$ 2,508,574
D.1.3. Strategy: OTHER SUPPORT SERVICES	\$ 635,284	\$ 646,770
Total, Goal D: INDIRECT ADMINISTRATION	\$ 5,533,133	\$ 5,620,354
Grand Total, ALCOHOLIC BEVERAGE COMMISSION	\$ 45,106,720	\$ 43,697,669
Object-of-Expense Informational Listing:		
Salaries and Wages	\$ 32,129,222	\$ 32,468,923
Other Personnel Costs	1,413,980	1,413,980
Professional Fees and Services	2,834,679	1,220,712
Fuels and Lubricants	733,650	733,650
Consumable Supplies	298,456	298,457
Utilities	367,888	367,213
Travel	695,682	695,682
Rent - Building	2,087,488	2,087,488
Rent - Machine and Other	139,574	139,574
Other Operating Expense	2,888,501	2,876,237

¹ Does not include appropriations in Article IX, § 17.01, of this Act, totaling \$697,785 each fiscal year in General Revenue Funds for Schedule C pay raises for commissioned peace officers.

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Grants	238,875	238,875
Capital Expenditures	1,278,725	1,156,878
Total, Object-of-Expense Informational Listing	\$ 45,106,720	\$ 43,697,669

Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:

<u>Employee Benefits</u>		
Retirement	\$ 1,846,089	\$ 1,873,780
Group Insurance	5,968,719	6,497,453
Social Security	2,268,598	2,302,627
Benefits Replacement	193,090	183,435
Subtotal, Employee Benefits	\$ 10,276,496	\$ 10,857,295
<u>Debt Service</u>		
Lease Payments	\$ 51,397	\$ 51,545
Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act	\$ 10,327,893	\$ 10,908,840

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Alcoholic Beverage Commission. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Alcoholic Beverage Commission. In order to achieve the objectives and service standards established by this Act, the Alcoholic Beverage Commission shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	2010	2011
A. Goal: REGULATE DISTRIBUTION		
Outcome (Results/Impact):		
Percentage of Licensed Establishments Inspected Annually	80%	80%
A.1.1. Strategy: ENFORCEMENT		
Output (Volume):		
Number of Inspections Conducted by Enforcement Agents	130,000	130,000
Efficiencies:		
Average Cost Per Enforcement Inspection	172.51	172.79
B. Goal: LICENSING AND INVESTIGATION		
Outcome (Results/Impact):		
Percent of Original License/Permit Applications Processed within 14 Days	99%	99%
B.1.1. Strategy: LICENSING AND INVESTIGATION		
Output (Volume):		
Number of Licenses/Permits Issued	74,700	60,300
Efficiencies:		
Average Cost Per License/Permit Processed	50.51	61.75
C. Goal: COLLECT FEES AND TAXES		
Outcome (Results/Impact):		
Percent of Inspections, Field Analyses, and Selected Regulatory Activities Conducted by Compliance Personnel Resulting in Administrative Actions	34%	34%
C.1.1. Strategy: COMPLIANCE MONITORING		
Output (Volume):		
Number of Inspections, Analyses, and Compliance Activities	163,350	163,350
Efficiencies:		
Average Cost Per Inspection, Analysis, and Compliance Activity	30	30.61
C.2.1. Strategy: PORTS OF ENTRY		
Output (Volume):		
Number of Alcoholic Beverage Containers and Cigarette Packages Stamped	2,922,000	2,922,000

- 2. Capital Budget.** None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease payments to the Master Lease

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Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code §1232.103.

	2010	2011
a. Acquisition of Information Resource Technologies		
(1) Computer Equipment - Leased	\$ 446,890	\$ 446,890
(2) Hardware/Software Acquisitions	187,000	187,000
(3) Data Center Consolidation	857,608	801,609
(4) IT Automation Enhancements	1,819,616	65,674
 Total, Acquisition of Information Resource Technologies	 \$ 3,311,114	 \$ 1,501,173
b. Transportation Items		
(1) Fleet Acquisition (67 Vehicles)	690,500	690,500
c. Acquisition of Capital Equipment and Items		
(1) Public Safety Equipment - Replacement	353,213	353,213
 Total, Capital Budget	 \$ 4,354,827	 \$ 2,544,886
 Method of Financing (Capital Budget):		
General Revenue Fund	\$ 4,336,077	\$ 2,526,136
Appropriated Receipts	18,750	18,750
 Total, Method of Financing	 \$ 4,354,827	 \$ 2,544,886

- 3. Hazardous Duty Pay Authorized.** The Texas Alcoholic Beverage Commission is authorized to pay hazardous duty pay to any commissioned law enforcement personnel as prescribed by law.

It is further provided that individuals who had received hazardous duty pay as of August 31, 1981, shall continue to receive hazardous duty pay for the biennium beginning with the effective date of this Act. Individuals hired after August 31, 1981, shall not receive hazardous duty pay unless so authorized by Government Code, Chapter 659.

- 4. Witness Expenses Authorized.** No other provisions of this Act shall prevent payment by the State of Texas of salaries and expenses incurred by representatives of the Texas Alcoholic Beverage Commission in attendance on state or federal grand jury proceedings, and who may be called as witnesses in the trial of criminal or civil cases in state or federal courts involving offenses complained of against state or federal liquor regulatory or revenue laws. It is further provided that any fees collected by such representatives in performing such duties shall be deposited in the State Treasury to the credit of the appropriations made above.
- 5. Revolving Fund.** The revolving change fund created by prior legislatures in the amount of \$25,000 for use at several International Bridges is hereby appropriated out of the funds above for the biennium beginning with the effective date of this Act for the same purposes.
- 6. Purchase of Evidence Authorized.** From the amounts authorized above, the Texas Alcoholic Beverage Commission is hereby authorized to establish a cash fund not to exceed \$50,000 for the purchase of evidence and/or information and surveillance expenses deemed necessary by the Commission.
- 7. Appropriations Limited to Revenue Collections.** Fees, fines and other miscellaneous revenues as authorized and generated by the agency shall cover, at a minimum, the cost of the appropriations made above as well as an amount equal to the amount identified above in the informational item "Other Direct and Indirect Costs Appropriated Elsewhere in this Act." In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct that the Comptroller of Public Accounts reduce the appropriation authority provided above to be within the amount of revenue expected to be available.
- 8. Fleet of Motor Vehicles Authorized.** From funds appropriated above, the Alcoholic Beverage Commission may purchase and maintain a fleet of vehicles. If these vehicles are unmarked for law enforcement purposes, these vehicles shall be utilized only by personnel who are commissioned

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peace officers or those persons responsible for the maintenance and repair of these vehicles. Vehicles which are properly marked pursuant to state requirements may be utilized for other legitimate agency purposes as needed by personnel employed by the agency.

9. Clothing Provisions.

- a. A commissioned officer who received a \$1,200 clothing allowance pursuant to the General Appropriations Act during the 2008-09 biennium shall receive a \$1,200 clothing allowance in the 2010-11 biennium.
- b. No person shall receive a \$1,200 clothing allowance unless eligible in subsection (a).
- c. An individual who is newly hired or newly commissioned after September 1, 1997, is eligible to receive a \$500 cleaning allowance. No rank other than that of agent is entitled to a \$500 cleaning allowance.
- d. The Texas Alcoholic Beverage Commission may purchase uniforms for Tax Collectors at International Bridges.

10. Contingency Rider - Ports of Entry (Anzalduas Bridge). Included in the amounts appropriated above in Strategy C.2.1, Ports of Entry, is \$218,595 in fiscal year 2010 and \$203,381 in fiscal year 2011 out of the General Revenue Fund for the purpose of regulating the personal importation of alcoholic beverages and cigarettes at the Anzalduas Bridge. These amounts represent 12 months of estimated operating costs per fiscal year. The appropriation of these funds is contingent upon the opening of the Anzalduas Bridge. In the event the bridge does not open prior to September 2009, the level of appropriation described above is to be prorated based on the number of months remaining in the fiscal year.

11. Contingency Rider - Ports of Entry (Donna Bridge). Included in the amounts appropriated above in Strategy C.2.1, Ports of Entry, is \$243,390 in fiscal year 2010 and \$228,261 in fiscal year 2011 out of the General Revenue Fund for the purpose of regulating the personal importation of alcoholic beverages and cigarettes at the Donna Bridge. These amounts represent 12 months of estimated operating costs per fiscal year. The appropriation of these funds is contingent upon the opening of the Donna Bridge. In the event the bridge does not open prior to September 2009, the level of appropriation described above is to be prorated based on the number of months remaining in the fiscal year.

12. Texas Wine Marketing Assistance Program. Included in the amounts appropriated above in Strategy D.1.1, Central Administration, is \$250,000 in fiscal year 2010 and \$250,000 in fiscal year 2011 out of the General Revenue Fund for the Texas Wine Marketing Assistance Program. The Texas Alcoholic Beverage Commission shall transfer these funds to the Department of Agriculture pursuant to § 5.56, Alcoholic Beverage Code.

13. Accountability Tracking System for DWI Prevention and Enforcement. From funds appropriated above, the Alcoholic Beverage Commission shall track the impact of funds appropriated for enhanced DWI prevention and enforcement. By January 1st of each fiscal year, the commission shall report to the Governor and the Legislative Budget Board the specific prevention and enforcement activities performed with the funds to include locations where the monies were spent, what programs were implemented, the impact of enforcement efforts compared to the previous biennium, and the impact on DWI-related fatalities and arrests.

14. Appropriation Transfers Between Fiscal Years - Gasoline Contingency. In addition to the transfer authority provided elsewhere in this Act, the Alcoholic Beverage Commission may transfer appropriations for fiscal year 2011 to fiscal year 2010, subject to the following conditions provided by this section:

- a. Transfers under this section may be requested only if the average price per gallon of gasoline paid by the agency during the first six months of fiscal year 2010 exceeds \$3.10 per gallon.
- b. A request to transfer appropriations for fiscal year 2011 to fiscal year 2010 shall be submitted in writing to the Governor and the Legislative Budget Board. The request shall include a justification for the amount of funds to be transferred based on an estimate of the total gallons of gasoline consumed by the agency in a year and the average price per gallon paid over \$3.10 per gallon during the first six months of fiscal year 2010.

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- c. A transfer authorized by this section must receive the prior approval of the Governor and the Legislative Budget Board.
 - d. The Comptroller of Public Accounts shall cooperate as necessary to assist the completion of a transfer and spending made under this section.
- 15. Appropriation: Seized Assets.** All funds received under Chapter 59, Code of Criminal Procedure, and Chapter 71, Property Code, by the Alcoholic Beverage Commission are hereby appropriated above in Strategy A.1.1, Enforcement, to be used for law enforcement purposes. Any funds unexpended at the close of each fiscal year are appropriated for the following year (fiscal year 2009 unexpended balance estimated to be \$0).