

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

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**  
**Revision 2**

**April 3, 2003**

**TO:** Honorable Kino Flores, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HB329** by Naishtat (relating to the regulation of mold assessors and remediators, civil liability for mold remediation, and insurance coverage on mold claims; providing civil and administrative penalties. ), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB329, Committee Report 1st House, Substituted: an impact of \$0 through the biennium ending August 31, 2005.

**General Revenue-Related Funds, Five-Year Impact:**

| Fiscal Year | Probable Net Positive/(Negative)<br>Impact to General Revenue Related<br>Funds |
|-------------|--|
| 2004        | \$0  |
| 2005        | \$0  |
| 2006        | \$0  |
| 2007        | \$0  |
| 2008        | \$0  |

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

| Fiscal Year | Probable Revenue Gain/<br>(Loss) from<br><i>GENERAL REVENUE</i><br><i>FUND</i><br>1 | Probable Savings/(Cost)<br>from<br><i>GENERAL REVENUE</i><br><i>FUND</i><br>1 | Change in Number of State<br>Employees from FY 2003 |
|-------------|---|---|---|
| 2004        | \$449,000   | (\$449,000)   | 6.0   |
| 2005        | \$367,750   | (\$367,750)   | 6.0   |
| 2006        | \$367,750   | (\$367,750)   | 6.0   |
| 2007        | \$367,750   | (\$367,750)   | 6.0   |
| 2008        | \$367,750   | (\$367,750)   | 6.0   |

**Fiscal Analysis**

The bill would require the Department of Health (TDH) to implement a mold assessment and remediation program. TDH would be required to conduct education and outreach activities and assess fees for licensing and examinations. Except for certain property owners, tenants, and managing agents or employees, licenses would be required for those engaged in mold assessment and remediation activities. The bill would provide for mold remediator's responsibilities. TDH would take disciplinary action when needed against a licensee and provide for hearings and appeals. The bill also authorizes administrative penalties not to exceed \$5,000 per day for each violation and civil penalties not to exceed \$2,000 for the first offense and \$10,000 for subsequent offenses. The bill requires TDH to adopt rules by April 1, 2004. Effective September 1, 2003.

## **Methodology**

It is assumed that a total of 6 FTEs and related operating costs would be required in order to develop the licensing/enforcement program. It is assumed that the education program about the health implications of mold growth would be outsourced at a one-time cost of \$45,000. Since employees would be able to perform assessment and remediation activities without a license, the demand for such services from licensed providers would be impacted. Per the Department of Health, the following estimated revenue will be gained from the fees in FY 2004: 170 assessment companies with a fee of \$500 per applicant, 170 assessment consultants with a fee of \$300 per applicant; 300 assessment technicians with a fee of \$100 per applicant, 150 remediation companies with a fee of \$500; 130 remediation contractors with a fee of \$300 per applicant, 250 remediation supervisors with a fee of \$150, 750 remediation workers with a fee of \$50, 8 licensed trainers with a fee of \$500, and 5 certified laboratories with a fee of \$500.

TDH further estimated revenue gained from license fees FYs 05-08 as follows: 136 Assessment Companies with a fee of \$500, 136 Assessment Consultants with a fee of \$300, 240 Assessment Technicians with a fee of \$100, 120 Remediation Companies with a fee of \$500, 104 Remediation Contractors with a fee of \$300, 200 Remediation Supervisors with a fee of \$150, 600 Remediation Workers with a fee of \$50, 6 Licensed Trainers with a fee of \$500, 4 Certified Laboratories with a fee of \$500.

## **Technology**

\$50,000 would be required for software programming to create and operate a database. \$40,000 would be required for related hardware.

## **Local Government Impact**

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

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 501 Department of Health

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