

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 28, 2005

TO: Honorable Harvey Hilderbran, Chair, House Committee on Culture, Recreation, & Tourism

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB1303 by Coleman (Relating to mercury contamination in fish and shellfish.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1303, As Introduced: a negative impact of (\$1,359,408) through the biennium ending August 31, 2007.

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
2006	(\$717,078)
2007	(\$642,330)
2008	(\$642,330)
2009	(\$628,921)
2010	(\$628,921)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>GENERAL REVENUE FUND</i> 1	Change in Number of State Employees from FY 2005
2006	(\$717,078)	5.0
2007	(\$642,330)	5.0
2008	(\$642,330)	5.0
2009	(\$628,921)	5.0
2010	(\$628,921)	5.0

Fiscal Analysis

The bill would require sampling and testing of fish in bodies of fresh and salt water in Texas every three years. The following assumptions were used in estimating the total number of samples required every three years.

Type of Public Water Body	Number of Water Bodies	Number of Samples / Water Body	Number of Samples collected in 3 years
Major Reservoir	212	10	2120
Public Community Fishing Lake	583	5	2,915

River Segments	314	2	628
Estuaries/Bays	14	30	420
Total			6,083

The Texas Department of State Health Services (DSHS) would be required to collect 6,083 samples every three years, which equates to 2,027 samples per year. However, since fiscal year 2006 is the first year of the testing program and the program is not expected to be fully operational for 12 months, it is estimated that 1,521 samples would be collected and the remaining 506 samples or 253 additional samples would be collected in fiscal years 2007 and 2008. Therefore, in fiscal years 2007 and 2008, it is estimated that 2,280 samples would be collected. For fiscal year 2009 and each year thereafter, an estimated 2,027 samples would be collected. DSHS indicates that the analytical sampling cost per sample would be \$53.00. (This represents the cost of a mercury analysis test by the Texas A&M Geochemical and Environmental Research Group Laboratory).

This estimate assumes collection of samples would require a total of (5) new Environmental Specialist III positions at DSHS, and one existing DSHS full-time equivalent (FTE) for three two-person sampling teams. DSHS indicates personnel would be placed in Tyler, Uvalde, and Austin. Each sampling team would require equipment and travel. Travel costs are calculated estimating 70% travel time per team. This results in 36 weeks travel @ \$400/FTE/week, \$14,400 per FTE/year, or \$28,800 per team/year. Two teams (Uvalde and Tyler) would need vehicles and boats/motors/trailers; the Austin team would use an existing vehicle and boat/motor/trailer. All three teams would need various sampling equipment; however, the Austin team has some sampling equipment.

	Annual number	Hours to complete	Total hours
Review and Maintenance	2,027	1.38	2,790
Samples Collected	2,027	3.2	6,510
Total			9,300

Methodology

This estimate assumes the DSHS would need a total of 5 new Environmental Specialist III positions to implement the bill, in addition to one existing FTE. Additional resources would be needed for travel and printing of the fish consumption advisory booklets. It is assumed that the General Revenue Fund would provide all funding. This estimate includes the following expenses to implement the bill:

	Start Up Year (9 months – FY 2006 only)	Annual Costs (12 months – FY 2007 & each fiscal year thereafter)
Implementation Costs		
Salary and wages (5 ES III positions @ \$37,332)	\$139,995	\$186,660
Employee benefits	\$41,635	\$55,513
Professional Services-Mercury analysis: 2007 & 2008 @ \$120,840 per yr. 2009 & 2010 @ \$ 107,431 per yr.	\$80,613	\$120,840 / \$107,431
In-state travel (6 positions at \$14,400/year)	\$64,800	\$86,400
Rent (5) 1 Austin, 4 region	\$8,390	\$11,187
Other operating expense:		
Modular unit @ \$3,900 x 5, including chairs	\$19,500	\$0
Lateral file cabinet @ \$300 x 5	\$1,500	\$0
Backup power supply @ \$150 x 1 = \$150 (5)	\$750	\$0
Telephone @ \$305 x 5 = 1,525	\$1,144	\$1,525
Office supplies/postage @ \$325 x 5 = \$1,625	\$1,219	\$1,625
Gasoline & Vehicle Maintenance (3 teams \$10,000/yr.)	\$22,500	\$30,000
Sampling Equipment - Region	\$18,365	\$0
Sampling Equipment – Austin	\$11,392	\$0
Printing 269,129 Advisory Booklets	\$108,998	\$145,330
Equipment:		
Vehicles, 2 @ \$42,860	\$ 85,720	
Boat/Motor/Trailer, 2 @ \$53,021	\$ 106,042	

IT Costs:		
PC (Seat Mgt) @ \$903 x 5 = \$4,515 for FY2006 @ \$650 x 5 = \$3,250 for FY2007 - 2010	\$4,515	\$3,250

In order to estimate demand for fish consumption advisory booklets from schools, libraries, and the Texas Parks and Wildlife Department (TPWD), the number of counties with fish consumption advisories (41) was divided by the number of counties in Texas (254) to determine the percentage of Texas counties with a fish consumption advisory or ban. Currently (16%) of all Texas counties have active fish consumption advisories. The 16% factor was applied to the number of schools (7,500), libraries (75 systems), and fishing licenses sold by TPWD (1,674,484). Using this method, the number of booklets is estimated to be 269,129. Assuming a cost of \$0.54 per booklet (18 page black & white printing charge), this represents a total of \$145,330 in annual printing costs.

TPWD indicates that the bill would require notifying the fishing public of the dangers associated with mercury contamination by publishing consumption advisories; maintaining a current list of consumption advisories and related information on the department website; providing pamphlets (published by DSHS) to license agents for distribution to anglers and training on mercury contamination to all department employees who sell fishing licenses or teach angler education classes; and producing and maintaining bilingual signs at all boat ramps which provide access to contaminated areas.

TPWD already includes a list of consumption advisories and bans in the Outdoor Annual and on the agency website. TPWD estimates the provisions of the bill would generate additional costs to post and maintain signs at public boat ramps with access to waters affected by a fish consumption ban or advisory. However, to the extent TPWD already posts and maintain signs, trains employees, and provides information on consumption advisories to the public, any additional costs are not anticipated to have a significant fiscal impact on agency operations.

Local Government Impact

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

Source Agencies: 529 Health and Human Services Commission, 537 Department of State Health Services, 802 Parks and Wildlife Department

LBB Staff: JOB, WK, ZS, TB