

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

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 9, 2009**

**TO:** Honorable Yvonne Gonzalez Toureilles, Chair, House Committee on Agriculture & Livestock

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

**IN RE: HB679** by Farrar (Relating to testing and warnings related to mercury levels in certain fish.),  
**As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB679, As Introduced: a negative impact of (\$2,144,078) through the biennium ending August 31, 2011.

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>
2010	(\$1,177,477)
2011	(\$966,601)
2012	(\$966,601)
2013	(\$966,601)
2014	(\$966,601)

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

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund 1</b>	<b>Change in Number of State Employees from FY 2009</b>
2010	(\$1,177,477)	8.0
2011	(\$966,601)	8.0
2012	(\$966,601)	8.0
2013	(\$966,601)	8.0
2014	(\$966,601)	8.0

**Fiscal Analysis**

The bill would require the Department of Agriculture (TDA) to obtain and test samples of fish for levels of mercury at retail fish dealers. TDA would be required to post a warning sign at retail fish dealers listing all types of fish available for sale that exceeded acceptable levels of mercury.

The bill would take effect September 1, 2009.

**Methodology**

Based on information provided by TDA, there are 5,549 retail fish dealers that would be subject to annual inspection. Each inspection will cost on average \$25, not including personnel costs, or

\$138,725 annually. It is assumed that each inspection will test one sample of fish for mercury levels at an estimated cost of \$72 per test, or \$399,528 each fiscal year.

Based on initial research conducted by TDA, 10 percent of samples tested would contain unacceptable levels of mercury, and TDA will be required to return to the retail fish dealer to post a warning sign at an estimated annual cost of \$13,875 (\$25 per return visit and 555 additional visits).

TDA would incur initial printing costs of \$2,000 in fiscal year 2010 and ongoing printing costs of \$700 annually relating to the printing of warning notices.

It is estimated that TDA would conduct a total of 6,104 inspections each year (5,549 initial inspections and 555 follow-up inspections). With an average inspection taking 3 hours, it is estimated that TDA will need to hire an additional 8.0 FTEs (17,202 inspection hours/2,080 annual hours). These 8.0 FTEs would require \$280,760 for salaries, \$80,213 for benefits, \$184,000 in one-time costs for equipment and capital expenditures (including \$152,000 for vehicles and \$32,000 for computers), and \$52,800 in ongoing technology and vehicle maintenance costs.

TDA would need to hold a three-day one-time training for the 8.0 new FTEs and other inspectors that might need to conduct these inspections. It is estimated that this training would cost a total of \$25,576 in fiscal year 2010.

### **Technology**

Based on information provided by TDA, it is estimated that there would be one-time technology costs in fiscal year 2010 of \$40,800 for computers and data center costs for the 8.0 new FTEs and ongoing costs of \$8,800 related to data center costs.

### **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 551 Department of Agriculture, 582 Commission on Environmental Quality

**LBB Staff:** JOB, WK, ZS, AH