

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 10, 2009

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

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

IN RE: HB1468 by Chisum (Relating to the regulation of funeral homes, cemeteries, and crematories; providing penalties.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1468, Committee Report 2nd House, Substituted: an impact of \$0 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:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from <i>General Revenue Fund</i> 1	Probable (Cost) from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2009
2010	\$65,142	(\$65,142)	1.0
2011	\$59,142	(\$59,142)	1.0
2012	\$62,099	(\$62,099)	1.0
2013	\$62,099	(\$62,099)	1.0
2014	\$65,204	(\$65,204)	1.0

Fiscal Analysis

The bill would amend the Health and Safety Code and the Occupations Code to clarify the regulation and license requirements of funeral homes, cemeteries, and crematories. The bill would authorize the Funeral Service Commission (FSC) to enforce criminal penalties against persons or entities that commit specific offenses concerning laws and rules regarding cemeteries. Additionally, the bill would clarify that a person or entity commits an offense if they interfere with a person's right to reasonable ingress and egress to cemeteries.

The bill would take effect on September 1, 2009.

Methodology

Based on the analysis provided by FSC, the bill would require 1 new FTE, legal assistant, to review additional complaints regarding the validity of agreements between landowners and the public regarding ingress and egress from cemeteries. The FTE would cost \$46,000 for salary and wages with associated benefits cost of \$13,142 in each fiscal year of 2010-11. Additional one time costs in fiscal year 2010 would be \$6,000. This analysis assumes that any increased costs resulting from the implementation of the provisions of the bill would be offset with fee-generated general revenue.

Based on the analysis provided by the Department of Banking, this bill would have no fiscal impact on the agency.

Technology

The bill would have a technology impact of \$3,500 in fiscal year 2010.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 513 Funeral Service Commission, 451 Department of Banking

LBB Staff: JOB, CH, CL, MW