

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 27, 2009

TO: Honorable Rob Eissler, Chair, House Committee on Public Education

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

IN RE: HB1839 by Howard, Donna (relating to the selection by school districts of sites for new schools; providing a penalty.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would require the Texas Commission on Environmental Quality (TCEQ) to perform recordkeeping, review, and as enforcement with regard to school district facility siting policies. In selecting a site for construction of a new school, a school district would be required to either adopt the voluntary US Environmental Protection Agency guidelines for site selection or file a site selection policy with the TCEQ and get approval. The bill would authorize the TCEQ to impose an administrative penalty if a school district entered into a contract to build a new school without complying.

The bill would require a school district to develop and submit for TCEQ approval a site remediation plan for sites selected for new schools that exposed a need for remediation during the Phase II environmental site assessment (ESA).

This estimate assumes that additional responsibilities to the TCEQ resulting from the bill's passage could be absorbed using existing agency resources. This estimate does not assume that any revenues resulting from penalty assessments as provided by the bill would be significant.

Local Government Impact

The bill could have a significant impact on school districts. The procedures included in the site selection policy established by the bill could require substantial expenditures, especially in districts that are growing rapidly due to population changes. According to the TCEQ, costs to complete a Phase I, Phase II, and a site remediation plan could potentially reach \$100,000, or more, depending on identified environmental hazards.

Source Agencies: 582 Commission on Environmental Quality

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