

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 4, 2009

TO: Honorable Kip Averitt, Chair, Senate Committee on Natural Resources

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

IN RE: SB2384 by Shapleigh (Relating to children's exposure to area-wide soil contamination in certain counties.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB2384, Committee Report 1st House, Substituted: a negative impact of (\$730,330) 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	(\$357,430)
2011	(\$372,900)
2012	(\$373,016)
2013	(\$373,136)
2014	(\$373,260)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2009
2010	(\$357,430)	0.8
2011	(\$372,900)	1.0
2012	(\$373,016)	1.0
2013	(\$373,136)	1.0
2014	(\$373,260)	1.0

Fiscal Analysis

The bill would require the Department of State Health Services (DSHS) in cooperation with the Texas Commission on Environmental Quality (TCEQ), the Texas Education Agency (TEA) and local school and health districts to reduce the potential for children exposure to low and moderate arsenic and lead levels in the soil over a large area of a county. The bill would also require the agencies to develop best management practices for schools and child-care facilities that recommend a range of methods to reduce exposure to contaminated soil.

DSHS would be required to identify schools and child-care facilities in counties with a population of 600,000 or more and that are on the international border that would be tested and conduct qualitative evaluations of the areas to determine the potential for children’s exposure to contaminated soil. If the qualitative evaluation suggest children may be routinely exposed to contaminated soil, and soil testing

confirms the presence of contamination the department must notify the child-care facilities and schools of best practices within 120 days.

DSHS would prepare written notifications of test results to distributed, if the facility failed to implement best management practices within 6 months of notification of test results, by the child-care facility and school to the parents or legal guardian of the children.

DSHS would be required to recognize a school or child-care facility that successfully implements best management practices by a certified letter.

DSHS may establish a grant program to assist a school or child-care facility in implementing best management practices.

DSHS must develop best management practices guidelines no latter than January 1, 2010.

The bill would take effect September 1, 2009.

Methodology

TCEQ expects that any cost with implementing the bill could be absorbed within existing resources.

TEA estimates that any cost with implementing the bill could be absorbed within existing resources.

DSHS estimates that 1 FTE would be required to perform the qualitative survey, soil gathering, and grant administration. The cost for hiring the FTE is estimated to be \$66,930 in fiscal year 2010 and approximately \$82,400 in fiscal year 2011 and beyond, these costs include salary, benefits, travel, and other operating expenses.

DSHS estimates that the area would be no more than 2 geographic areas that will be tested per year. Each geographic area would have 6 schools and 6 child-care facilities. Each school would require 30 soil samples and each child-care facility would require 15 soil samples for a total of 540 $((6*15)+(6*30)=270, 270*2=540)$ samples per year. DSHS estimates the cost to analyze each sample to be \$75 for a total cost of \$40,500 to test for soil contamination.

DSHS expects \$250,000 per year be required to provide grants to schools and child-care facilities to implement best-practices to reduce soil contamination exposure.

DSHS expects that any cost with notifying parents and legal guardians and recognizing schools and child-care facilities that successfully implement best management practices can be absorbed within existing resources.

Local Government Impact

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

Source Agencies: 537 State Health Services, Department of

LBB Staff: JOB, SZ, BM