

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 20, 2015

TO: Honorable Ryan Guillen, Chair, House Committee on Culture, Recreation & Tourism

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3819 by Howard (Relating to the appeal of certain determinations by the Texas Historical Commission regarding the content of historical markers.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3819, As Introduced: a negative impact of (\$817,608) through the biennium ending August 31, 2017.

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
2016	(\$408,804)
2017	(\$408,804)
2018	(\$408,804)
2019	(\$408,804)
2020	(\$408,804)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2015
2016	(\$408,804)	3.0
2017	(\$408,804)	3.0
2018	(\$408,804)	3.0
2019	(\$408,804)	3.0
2020	(\$408,804)	3.0

Fiscal Analysis

The bill would amend the Government Code to allow appeals of certain determinations by the Historical Commission regarding the content of Official Texas Historical Markers. The bill would take effect September 1, 2015.

Under the bill provisions, the Historical Commission indicated the fiscal impact would be \$408,804 in each fiscal year from 2016-2020. Costs include salaries for 4.8 FTEs, general operating, travel, capital equipment, and benefits.

Based on information provided by the Office of the Attorney General and the State Office of Administrative Hearings, it is assumed that all duties and responsibilities necessary to implement the provision of the bill could be accomplished utilizing existing staff and resources.

Methodology

Currently, the Historical Commission reviews the content of Official Texas Historical Markers that have been contested and has sole authority to make decisions related to the retention, replacement, or removal of Official Texas Historical Markers. There are more than 16,000 Official Texas Historical Markers throughout the state including many that were placed prior to 1937.

The Historical Commission assumes the following related to the bill provisions:

- 1) There would be 80 applications each fiscal year for changes to historical markers;
- 2) There would be 40 appeals for a hearings with the State Office of Administrative Hearings;
- 3) There would be 10 appeals to district court; and
- 4) There would be two appeals to the Court of Appeal.

The Historical Commission estimates the bill provisions would require two Historian III (2.0 FTEs) and one Administrative Assistant IV (1.0 FTEs) with a combined fiscal year cost of \$240,984 for salaries (\$180,000) and related benefits (\$60,984). Additionally, the Historical Commission estimates there would be a cost of \$67,500 each fiscal year for the replacement of Official Texas Historical Markers.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 360 State Office of Administrative Hearings, 808 Historical Commission

LBB Staff: UP, SZ, EP, TBo, ER