

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 17, 2017

TO: Honorable John Frullo, Chair, House Committee on Culture, Recreation & Tourism

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB4146 by Wilson (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 HB4146, As Introduced: a negative impact of (\$421,408) through the biennium ending August 31, 2019.

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
2018	(\$210,704)
2019	(\$210,704)
2020	(\$210,704)
2021	(\$210,704)
2022	(\$210,704)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2017
2018	(\$210,704)	1.5
2019	(\$210,704)	1.5
2020	(\$210,704)	1.5
2021	(\$210,704)	1.5
2022	(\$210,704)	1.5

Fiscal Analysis

The bill would amend the Government Code to allow a determination by the Commission relating to the accuracy of a historical marker to be appealed under the Administrative Procedure Act. A final decision in a contested case described by this subsection would be subject to judicial review.

This analysis assumes the Historical Commission would incur \$421,408 in costs in the 2018-19 biennium, including salaries and benefits for 1.5 FTEs, other operating costs, travel, training, and the costs of administrative hearings.

The bill would take effect on September 1, 2017.

Methodology

Currently, the Historical Commission (THC) 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.

Based on information provided by THC, this analysis assumes:

- 1) There would be 40 applications each fiscal year for changes to historical markers;
- 2) There would be 20 appeals for hearings with the State Office of Administrative Hearings (SOAH);
- 3) There would be five appeals to district court; and
- 4) There would be one appeal to the Court of Appeals.

This analysis estimates that, under the bill, THC would require one Historian III (1.0 FTE) and one part-time Administrative Assistant IV (0.5 FTEs) with a combined annual cost of \$80,240 for salaries (\$58,732) and benefits (\$21,508). THC would also require \$30,000 per year for other operating costs, travel, and training. Additionally, the Historical Commission would incur \$20,224 per year in costs to offset expenses of administrative hearings at SOAH.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 808 Historical Commission

LBB Staff: UP, SZ, NV, ASa