

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION
Revision 1

April 8, 2019

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

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB583 by White (Relating to monuments and memorials for Texas heroes and other persons and events of historical significance; creating criminal offenses.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB583, As Introduced: a negative impact of (\$879,552) through the biennium ending August 31, 2021.

Any fines received as a result of creation of a criminal offense pertaining to removal, relocation, and alterations of monuments or memorials cannot be estimated.

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
2020	(\$652,276)
2021	(\$227,276)
2022	(\$340,891)
2023	(\$335,891)
2024	(\$335,891)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2019
2020	(\$652,276)	3.0
2021	(\$227,276)	3.0
2022	(\$340,891)	4.0
2023	(\$335,891)	4.0
2024	(\$335,891)	4.0

Fiscal Analysis

The bill would amend the Government Code and Local Government Code relating to monuments and memorials for Texas heroes and other persons and events of historical significance, including the creation of criminal offenses. The bill would transfer the responsibility of maintaining certain monuments and memorials from the Facilities Commission (TFC) to the Historical Commission (THC). The bill would require THC to oversee maintenance for markers on state-owned property, and, if a suitable contract can be made for permanent preservation of a monument or memorial, on private property or property owned by the federal government, another U.S. state, or a foreign country. The bill would also require THC to approve new monuments and memorials before they are erected, including the form, dimensions, substance of, and inscriptions or illustrations. The bill would further require THC to approve the alternation, removal, or relocation of a monument or memorial. The bill would require that a monument or memorial that is removed must be relocated to an equally prominent location that is approved by the legislature, THC, or the State Preservation Board or approved as otherwise provided by law.

The bill would add Chapter 328, Monuments and Memorials, to the Local Government Code. Under new Chapter 328, THC would also be required to approve the form, dimensions, and substance of, and inscriptions and illustrations on, a monument or memorial erected on land owned or acquired by a county. The bill would require THC to approve the alternation, removal, or relocation of a county monument or memorial. The bill would require that a monument or memorial that is removed must be relocated to an equally prominent location that is approved by the THC or the State Preservation Board or approved as otherwise provided by law.

The bill would create a criminal offense if a person intentionally removes, relocates, or alters a monument or memorial in a manner that violates Section 2166.5011, Government Code, as amended by the bill or Section 328.003, Local Government Code, as added by the bill. Both offenses would be punishable by a fine not less than \$50 and not more than \$1,000, and confinement in jail for a term of not less than three days and not more than one year.

Methodology

Based on information provided by THC, this analysis assumes the agency would require \$879,552 in General Revenue and 3.0 additional FTEs in the 2020-21 biennium to implement the provisions of the bill.

THC estimates additional staff would be necessary to evaluate the monuments and memorials, oversee their restoration and preservation, evaluate requests for their removal or movement, evaluate requests for new monuments, and assist counties in complying with the bill. This analysis assumes the 3.0 additional FTEs in the 2020-21 biennium would include one Program Specialist IV, one Historian III, and one Administrative Assistant II, for a total salary cost of \$145,317. This analysis further assumes ongoing costs of \$50,759 each fiscal year for employee benefits associated with the 3.0 FTEs and other operating costs of \$46,200 in fiscal year 2020 and \$31,200 in fiscal year 2021.

This analysis assumes a one-time cost of \$410,000 in fiscal year 2020 for a survey and development of a database. A comprehensive survey would be conducted to identify and assess the condition of affected monuments, memorials, and other officially designated items of historical significance either required to be maintained by THC or otherwise requiring approval from THC for their removal, relocation, or alteration. The survey information would be stored, maintained and updated in a database; the database would also be used by THC to prioritize monument restoration and maintenance repairs.

Dependent upon the number of markers and monuments requiring restoration that are transferred to THC under the bill, THC assumes there could be a significant, indeterminate cost to the State for marker and monument maintenance and preservation. THC is unable to estimate the full cost at this time due to insufficient information regarding the current condition of all such markers. However, THC does assume related restoration work would begin in fiscal year 2022 and would require an additional 1.0 FTE to oversee the restoration and preservation of those items. This analysis assumes the additional staff would include one Architect II, bringing total annual salary and benefits costs to \$218,106 and \$76,185, respectively, beginning in fiscal year 2022. Other operating costs would increase to \$46,600 in fiscal year 2022 and \$41,600 in each fiscal year thereafter.

Any additional fines to be collected as a result of the bill creating an offense cannot be estimated. This analysis assumes the provisions of the bill addressing sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

No significant savings are estimated for the Facilities Commission related to the transfer of duties under the provisions of this bill. Based on the analysis of the State Preservation Board, any additional costs could be absorbed within existing resources.

Technology

This analysis assumes a one-time cost of \$160,000 to develop a database to store, maintain and update information related to monument and memorials either required to be maintained by THC or otherwise requiring approval from THC for their removal, relocation, or alteration.

Local Government Impact

An offense under the provisions of the bill is punishable by a fine in an amount not less than \$50 and not to exceed \$1,000, and confinement in jail for a term not less than three days and not to exceed one year. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 303 Facilities Commission, 304 Comptroller of Public Accounts, 808 Historical Commission, 809 Preservation Board

LBB Staff: WP, SZ, NV, LCO, SD, JPo