

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 27, 2021**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3807** by Hunter (Relating to the use of lifeguards and informational signs to improve safety on public beaches.), **As Passed 2nd House**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3807, As Passed 2nd House : an impact of \$0 through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The Texas Parks and Wildlife Department is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the department may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

**General Revenue-Related Funds, Five- Year Impact:**

| <i>Fiscal Year</i> | <b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b> |
|--------------------|---|
| 2022               | \$0   |
| 2023               | \$0   |
| 2024               | \$0   |
| 2025               | \$0   |
| 2026               | \$0   |

**All Funds, Five-Year Impact:**

| <i>Fiscal Year</i> | <b>Probable Savings/(Cost) from Sporting Goods Sales Tax Transfer to GR-D 64</b> | <b>Change in Number of State Employees from FY 2021</b> |
|--------------------|--|---|
| 2022               | (\$549,076)  | 4.5   |
| 2023               | (\$260,971)  | 4.5   |
| 2024               | (\$267,907)  | 4.5   |
| 2025               | (\$261,471)  | 4.5   |
| 2026               | (\$267,607)  | 4.5   |

**Fiscal Analysis**

The bill would amend the Natural Resources Code and the Parks and Wildlife Code to require cities, counties, and state parks to post lifeguards in towers or mobile units during daylight hours from Memorial Day through Labor Day on each side of every pier, jetty, or other structure that protrudes into the Gulf of Mexico. A single

occupied lifeguard tower at each structure would be sufficient if the tower or unit provided an unobstructed view of both sides of the structure. The bill would also require these entities to post signs within 100 yards of each side of each structure describing dangerous water conditions that may occur. These requirements would be waived in the event of dangerous weather conditions or during emergency operations.

The bill would take effect September 1, 2021.

### **Methodology**

The Texas Parks and Wildlife Department (TPWD) indicates that the only state park that would be affected by the bill's requirements is Mustang Island State Park, which has five miles of beach on the Gulf of Mexico, including two jetties. Based on information provided by TPWD, it is assumed that the installation of two lifeguard towers would be required at \$125,000 each in fiscal year 2022. The warning signs required by the bill would cost \$9,549 in fiscal year 2022, and \$7,549 each subsequent year.

Based on information provided by TPWD, the agency would need 1.0 Park Ranger I at \$39,837 per year and 3.5 Lifeguard positions at \$29,699 per year for each position. Salary, benefits, and other costs associated with these FTEs would be \$205,791 in fiscal year 2022 and \$193,222 each subsequent year. To accommodate these FTEs, the agency would need to rent office space and a storage shed at a cost of \$13,800 per year. Lifeguard equipment would cost \$16,100 in fiscal year 2022. Lifeguard instructor training, which is required every three years, would cost \$500 in fiscal year 2022 and in fiscal year 2025. Red Cross instructor training would cost \$6,936 every two years, beginning in fiscal year 2022. Vehicles, radios, and outfitting would cost \$46,400 per year.

Costs related to the bill would be paid from Sporting Goods Sales Tax Transfer to State Parks Account No. 64, an account that is not counted towards certification.

### **Local Government Impact**

The bill's provisions requires counties and municipalities located or bordering on the Gulf of Mexico to provide occupied lifeguard towers or mobile units during daylight hours from Memorial Day through Labor Day. There may be a fiscal impact to applicable municipalities and counties, however the extent of the impact cannot be determined at this time.

**Source Agencies:** 802 Parks and Wildlife Department

**LBB Staff:** JMc, LBO, PBO, AJL, MW, AF