

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 18, 2023

TO: Honorable Charles Schwertner, Chair, Senate Committee on Business & Commerce

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB2040 by Springer (relating to the continuation and transfer of the regulation of willed body programs to the Texas Funeral Service Commission, the regulation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities, and the creation of the State Anatomical Advisory Committee; requiring registration; authorizing fees; authorizing an administrative penalty.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB2040, Committee Report 1st House, Substituted : a negative impact of (\$11,922) through the biennium ending August 31, 2025.

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:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2024	(\$11,922)
2025	\$0
2026	\$0
2027	\$0
2028	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Revenue Gain from General Revenue Fund 1	Probable (Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2023
2024	\$548,864	(\$560,786)	4.0
2025	\$398,478	(\$398,478)	4.0
2026	\$398,834	(\$398,834)	4.0
2027	\$399,194	(\$399,194)	4.0
2028	\$399,558	(\$399,558)	4.0

Fiscal Analysis

The bill would transfer regulation of willed body programs from the State Anatomical Board to the Funeral Service Commission and create the State Anatomical Advisory Committee.

The bill would transfer fee collection authority from the Anatomical Board to the Funeral Service Commission and would transfer remaining funds located outside the treasury and currently under the management of the secretary-treasurer of the Anatomical Board to the General Revenue Fund for the purpose of the FSC administering duties under Chapter 691, Health and Safety Code.

The bill would take effect September 1, 2023. The Anatomical Board would be abolished on the effective date of the Act, but would continue in existence until September 1, 2024 for the purpose of transferring all duties and responsibilities transferred to the Funeral Service Commission by this date.

Methodology

This estimate assumes that the Anatomical Board fund balance, which was \$548,864 at the end of calendar year 2022, would transfer to the General Revenue Fund in fiscal year 2024.

The agency anticipates and this estimate assumes that the Funeral Service Commission will require 4 additional full-time-equivalent (FTE) positions to implement the provisions of the bill. An Attorney (\$91,350 per year with estimated benefits of \$27,297) would be needed to provide legal support to Funeral Service Commission in regards to rulemaking and any future litigation. A Licensing and Permit Specialist (\$54,810 per year with estimated benefits of \$16,378) would be needed to issue State Anatomical Board Tags to approved facilities and to track transfer of remains between facilities. An Inspector (\$60,900 per year with estimated benefits of \$18,198) would be needed to inspect all accredited medical schools/colleges, dental schools, Health Science Centers, hospitals, schools of mortuary science, and forensic science programs throughout Texas. Lastly, an Investigator (\$60,900 per year with estimated benefits of \$18,198), would be needed to review and evaluate filed complaints. These FTEs will costs would total \$348,031 per fiscal year in salaries, \$11,000 per fiscal year in travel expenses, and one time startup costs in fiscal year 2024 of \$31,250.

This estimate assumes that the Funeral Service Commission will raise sufficient revenue through tag fees, cadaver transfer fees (both in and out of state), and inspection fees identified under Sec. 691.012 of the Health and Safety Code, to cover operational costs.

Technology

The State Anatomical Board's database will need to be incorporated into the existing FSC Versa Licensing platform. The cost would be a one-time transition, estimated to be \$100,000 in fiscal year 2024.

Local Government Impact

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

Source Agencies: 116 Sunset Advisory Commission, 304 Comptroller of Public Accounts, 513 Funeral Service Commission, 696 Department of Criminal Justice, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 768 Texas Tech University System Administration, 769 University of North Texas System Administration

LBB Staff: JMc, SZ, JBel, NPe, GDZ