

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

TO: Honorable David Dewhurst, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3827 by Hancock (Relating to the delivery of regulated substances into underground storage tanks; providing a penalty.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would create a criminal penalty for any person who physically delivers regulated substance into an underground storage tank (UST) regulated under Texas Water Code, Chapter 26, which has not been issued a valid, current registration and certificate of compliance. Violation of this proposed criminal sanction would be punishable as a Class A misdemeanor. The bill would also provide a defense to prosecution in certain cases, including if the substance was manufactured in strict accordance with state or federal specifications. The bill would also create a defense to prosecution from the requirement if a person making the delivery relied on a valid paper delivery certificate presented by the owner or operator of the underground storage tank or displayed at the facility associated with the facility, if a temporary delivery authorization presented by the owner or operator of the underground storage tank or displayed at the facility associated with the underground storage tank, or registration and self-certification information for the tank obtained from the Texas Commission on Environmental Quality website not more than 30 days before the date of delivery.

No significant fiscal impact to the state is expected as a result of the bill's passage.

Local Government Impact

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

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: JOB, SD, SZ, TL