

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 6, 2009

TO: Honorable Burt R. Solomons, Chair, House Committee on State Affairs

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

IN RE: HB3838 by Hilderbran (Relating to the powers and duties of the Office of Public Utility Counsel.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Water Code relating to powers and duties of the Office of Public Utility Counsel (OPUC). The bill would require OPUC to take certain actions relating to the interests of residential and small commercial consumers concerning water or sewer issues, which were previously the responsibility of the Office of Public Interest Counsel (OPIC) within the Texas Commission on Environmental Quality (TCEQ).

The bill would require that on Jan. 1, 2010, OPIC be abolished, and the functions, powers, duties, property, records, contracts and funds of OPIC related to the provisions of this bill be transferred to OPUC. The bill would transfer \$488,157 in fiscal year 2010 and \$482,957 in fiscal year 2011 appropriated to TCEQ by the 81st Legislature, Regular Session, relating to the provisions of the bill, to OPUC.

Based on the analysis of TCEQ, it is assumed that the appropriations made to TCEQ for the 2010-11 biennium would be transferred to OPUC from the Water Resource Management Account No. 153, Clean Air Account No. 151, and Waste Management Account No. 549. Based on the analysis of OPUC, implementing the provisions of the bill would require an additional 3.0 FTEs at OPUC: 2.0 attorneys and 1.0 legal secretary.

This analysis assumes that as a result of the transfer of funds from TCEQ to OPUC, there would be no significant fiscal impact to the state.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 475 Office of Public Utility Counsel, 582 Commission on Environmental Quality

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