

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

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 4, 2011**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Natural Resources

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

**IN RE: HB1648** by Smith, Wayne (Relating to the purchase of plastic bulk merchandise containers by certain businesses; providing a civil penalty.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill amends the Business and Commerce Code to permit the purchaser of bulk plastic containers to verify that the individual selling the containers is acting on behalf of a corporation, business, or governmental entity. The bill also prohibits payment for the purchase of bulk plastic containers with cash and adds new record keeping requirements on purchase transactions. The bill may result in new complaints and investigations by the Office of the Attorney General's Consumer Protection and Public Health Division. However, it is anticipated that any additional costs associated with implementation of the legislation could be absorbed within existing resources.

The bill also authorizes a civil penalty not to exceed \$10,000 for each violation. The Comptroller of Public Accounts has indicated that the number of potential violations and the amount of penalties levied are unknown. Therefore, there could be an indeterminate revenue increase to the state.

**Local Government Impact**

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

**Source Agencies:** 302 Office of the Attorney General, 304 Comptroller of Public Accounts

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