

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 6, 2011

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

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

IN RE: SB1605 by Seliger (Relating to the Texas Low-Level Radioactive Waste Disposal Compact Commission.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1605, Committee Report 1st House, Substituted: an impact of \$0 through the biennium ending August 31, 2013.

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:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2012	\$0
2013	\$0
2014	\$0
2015	\$0
2016	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>Low-level Waste Acct 88</i>	Probable Revenue Gain/ (Loss) from <i>Low-level Waste Acct 88</i>	Change in Number of State Employees from FY 2011
2012	(\$130,824)	\$130,824	2.0
2013	(\$74,316)	\$74,316	1.0
2014	\$0	\$0	0.0
2015	\$0	\$0	0.0
2016	\$0	\$0	0.0

Fiscal Analysis

The bill would create the Texas Low-Level Radioactive Waste Disposal Compact Commission (LLRWDC) as an independent entity subject to review by the Sunset Advisory Commission, but not abolishment, under the Texas Sunset Act. The Sunset review would be conducted as if the LLRWDC was scheduled to be abolished in 2013 and every 12th year after. The cost of the review would be paid by the LLRWDC.

The bill would clarify that the LLRWDC is an independent entity and not a part of the Texas Commission on Environmental Quality (TCEQ). The bill would prohibit funding for LLRWDC activities from being made as part of an appropriation to the TCEQ.

The bill would require that the LLRWDCC file written reports with the Governor and the appropriate legislative committees on or before December 1 of each even numbered year. The bill would also require that the Attorney General represent the LLRWDCC in all matters before the state courts and any court of the United States.

Methodology

The requirement for the Sunset Commission to review the LLRWDCC is expected to result in costs of approximately \$130,824 in fiscal year 2012 and \$74,316 in fiscal year 2013. These costs are related to the equivalent of 2.0 additional FTEs in fiscal year 2012, 1.0 additional FTE in fiscal year 2013, and other costs for conducting the review and issuing recommendations, including travel and report production expenses. Because these costs would be paid by the LLRWDCC, this estimate assumes that the costs would be paid out of the General Revenue-Dedicated Low-Level Waste Account No. 88. Because the Section 4.04 of the Low-Level Radioactive Waste Compact (Health and Safety Code, Chapter 403) includes languages providing that fees assessed by the disposal facility include an amount that is sufficient to reasonably support the activities of the LLRWDCC, this estimate assumes that the TCEQ would include the Sunset Commission's costs resulting from passage of the bill in the agency's determination of the disposal fee rate. Therefore, this estimate shows additional revenues to the Low-Level Waste Account No. 88 equal to the Sunset Commission's costs.

Passage of the bill would result in an increased workload at the Office of the Attorney General, including increased litigation costs and staffing needs. However, this estimate assumes that these costs could be absorbed using existing agency resources.

No significant fiscal impact to the TCEQ is expected as a result of the bill's passage. Upon passage of the bill, this estimate assumes that the portion funding provided by the TCEQ to the LLRWDCC would transfer to a direct appropriation by the Legislature to the LLRWDCC.

Local Government Impact

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

Source Agencies: 116 Sunset Advisory Commission, 302 Office of the Attorney General, 582 Commission on Environmental Quality

LBB Staff: JOB, SZ, ZS, TL, MS