

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

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 18, 2013**

**TO:** Honorable Tryon D. Lewis, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **HB2332** by Bell (Relating to the liability of an operator of an underground facility for damages that result from a failure to comply with a duty to mark underground facilities to prevent damage from excavation or a duty to make certain notifications.), **As Introduced**

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

The bill would amend Chapter 251 of the Utilities Code to require an underground facility operator contacted by the Texas Underground Facility Notification Corporation's notification system to mark the approximate location of its underground facilities at or near the site of the proposed excavation if the operator believes that marking the location is necessary. The bill would make an operator of an underground facility that fails to comply fully with Sections 251.157 and 251.158 of the Utilities Code, liable for damages three times the amount of actual damage, and reasonable attorney's fees and court costs.

The Public Utilities Commission anticipates the provisions of the bill would not have a significant fiscal impact on the agency and any additional workload can be handled with existing resources.

The Railroad Commission anticipates the provisions of the bill would not have a fiscal impact on the commission.

**Local Government Impact**

According to the Texas Municipal League, there would be significant costs to cities that own and operate electric or gas utility systems that would be liable for damages three times the amount of actual damages, and attorney's fees and court costs if they fail to comply with the requirements under the "one call" system for marking underground facilities. However, the number of instances this would occur cannot be determined.

**Source Agencies:** 455 Railroad Commission, 473 Public Utility Commission of Texas

**LBB Staff:** UP, CL, TP