

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

April 7, 2025

TO: Honorable Charles Schwertner, Chair, Senate Committee on Business & Commerce

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB819 by Kolkhorst (relating to renewable energy generation facilities; authorizing fees.),
Committee Report 1st House, Substituted

Estimated Two-year Net Impact to General Revenue Related Funds for SB819, Committee Report 1st House, Substituted: an impact of \$0 through the biennium ending August 31, 2027.

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:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2026	\$0
2027	\$0
2028	\$0
2029	\$0
2030	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Revenue Gain/(Loss) from General Revenue Fund 1</i>	<i>Probable Savings/(Cost) from General Revenue Fund 1</i>	<i>Change in Number of State Employees from FY 2023</i>
2026	\$1,897,062	(\$1,897,062)	14.0
2027	\$1,897,062	(\$1,897,062)	14.0
2028	\$1,897,062	(\$1,897,062)	14.0
2029	\$1,897,062	(\$1,897,062)	14.0
2030	\$1,897,062	(\$1,897,062)	14.0

Fiscal Analysis

This bill would amend Chapter 35 of the Utilities Code requiring operators of a wind or solar power facility to file an application for a determination of public interest with the Public Utility Commission of Texas (PUC). PUC may impose an application fee to cover costs associated with reviewing the applications.

The bill would require an application to include the following: documentation of support from the governing body of a political subdivision in the area where the renewable energy generation facility is located; documentation demonstrating that the renewable energy generation facility will not have a negative effect on national security; an environmental impact analysis for the renewable energy generation facility; information

related to a permit or other state authorization for the renewable energy generation facility issued by the Texas Commission on Environmental Quality or the Parks and Wildlife Department; and a fire mitigation plan.

The bill would require the PUC to establish rules that require an applicant to provide notice of the application to the county judge of each county located within 25 miles of the boundary of the renewable energy generation facility; and publish for at least two consecutive publications in a newspaper of general circulation a notice in each county that includes a description of the type and location of the facility in which the renewable energy generation facility will be or is located.

The bill would require the commission to approve or deny an application filed under Section 35.203 not later than the 180th day after the date the application is filed. If the commission does not approve or deny the application before the 181st day after the date the application is filed, the application is considered to be approved. An applicant may request a 30-day extension to amend the application if it is denied.

The bill would take effect September 1, 2025.

Methodology

Based on the analysis of the PUC, this estimate assumes that the PUC would require 14.0 additional full time equivalent (FTE) positions to implement the provision of the bill. This estimate assumes PUC would set the application fee at an amount that is sufficient to cover the costs for administering the bill's provisions.

These positions include five additional Attorney III positions (\$115,500 per year with estimated benefits of \$32,825) that would be needed for rulemaking and processing permit applications. A Legal Assistant III position (\$80,000 per year with estimated benefit cost of \$22,736) would be needed to support the attorneys in rule making and any case work. Three Engineer III positions (\$115,500 per year with estimated benefits of \$32,825) would be needed for related analysis. An additional Compliance & Enforcement Investigator III position (\$90,000 per year with estimated benefits of \$25,578) would be needed to conduct violation investigations and ensure permit holders are in compliance with rules. An additional Program Specialist III-IV position (\$75,000 per year with estimated benefits of \$21,315) would be needed to manage the fee collection. An additional Investigator III position (\$60,000 per year with estimated benefits of \$17,052) would be needed to take in violation complaints via call center. An additional Program Specialist III-IV position (\$75,000 per year with estimated benefits of \$21,315) would be needed to answer questions and provide guidance to potential permit applicants. An additional Programmer V position (\$120,000 per year with estimated benefits of \$34,104) would be needed to develop and maintain a portal for permit applications. Other associated costs include \$31,845 per year for payroll contributions, travel and other operating expenses.

Technology

This estimate anticipates a technology impact of \$37,800 in equipment costs each year.

Local Government Impact

There may be a local government impact as Country Judges and governing bodies of affected municipalities will be notified of applications and will have the opportunity to present information to PUC.

Source Agencies: 304 Comptroller of Public Accounts, 473 Public Utility Commission of Texas, 802 Parks and Wildlife Department

LBB Staff: JMc, RStu, GDZ, JBel, RSTE, BRI