

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

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**February 1, 2005**

**TO:** Honorable Frank Madla, Chair, Senate Committee on Intergovernmental Relations

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

**IN RE: SB142** by Wentworth (Relating to the authority of a county to regulate land development after a local option election.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would amend the Local Government Code to authorize a county commissioners court to hold an election to seek voter approval for the commissioners court to regulate land development in the unincorporated area of the county. If a county is authorized to regulate land development, the county would be allowed to collect impact fees for new development starting one year after the fee is adopted or for land platted upon recordation of a subdivision or other plat.

The bill would take effect immediately if it were to receive a two-thirds vote in each house; otherwise, it would take effect September 1, 2005.

A county would incur election costs in seeking authorization to regulate land development in the unincorporated area of the county. If authorized to regulate land development, the county's costs for imposing and enforcing regulations would be offset by impact fees.

**Local Government Impact**

Based on costs reported to the Secretary of State (SOS) in the summer of 2004 by a sampling of counties, municipalities, and special districts, the average cost incurred by a local government entity for an election is \$1.29 per registered voter. The election cost per local government would vary depending on the number of voters registered in each. It is assumed the commissioners court would include the election on the general election date, in which case the local government would experience an increase in costs that would not likely be significant (because the state pays the majority of the costs).

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

**Source Agencies:**

**LBB Staff:** JOB, CL, DLBa