

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 8, 2007

TO: Honorable Kyle Janek, Chair, Senate Committee on S/C on Emerging Technologies & Economic Dev.

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

IN RE: SB1774 by Uresti (Relating to the use of real property acquired for certain venue projects.),
As Introduced

No fiscal implication to the State is anticipated.

The bill would amend Subchapter C of Chapter 334, Local Government Code, to limit the use of real property or interest in real property acquired by a municipality or a county for certain venue projects.

A district court in Travis County would have original jurisdiction in a declaratory judgment action for determining whether real property or interest in real property is no longer capable of fulfilling the original purposes of a venue project. A municipality or county filing a declaratory judgment action would be required to post notice in a newspaper of general circulation not later than the 45th day before the date of a judgment hearing.

The bill would waive sovereign immunity of a municipality or county as it relates to a suit brought to intervene as a party to the declaratory action. A plaintiff who prevails against a municipality or a county would be entitled to reasonable attorney's fees; court costs; litigation-related expenses; an order requiring removal of any unauthorized infrastructure constructed on the approved venue project property in violation of Section 334.046; and an order to restore the approved venue project property to its condition prior to the activity that constituted the violation.

Local Government Impact

No significant fiscal implication to units of local government is anticipated unless a municipality or a county were to be found in violation of the applicable statute. The costs associated with loss of a suit regarding the real property or interest in real property could be significant.

Source Agencies:

LBB Staff: JOB, JRO, DB