

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

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

IN RE: HB2919 by King, Susan (relating to the regulation of land use to ensure compatible development with military facilities in certain counties.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would prohibit a defense community from making a final determination about adopting or amending an ordinance, rule, or plan in an area located within 8 miles of the boundary line of a defense base or activities connected to the base until the 31st day after the date the community receives comments and analysis from the base. The bill would only apply to a defense community that includes a municipality with a population of more than 110,000 located in a county with a population of less than 135,000 and that has not adopted airport zoning regulation.

The bill would add Chapter 397A to Subtitle C, Title 12, Local Government Code, to authorize certain counties and municipalities to establish and fund a regional military sustainability commission (commission) in certain areas located around military installations. Two public hearings would be required prior to establishing a commission.

A commission would be required to establish an advisory committee to advise the commission on protecting the critical military missions of the military installation with regard to development. The governing body of the participating governmental entity would be required to review the application and request a report from the commission regarding a proposed new project. Other requirements for the commission, the advisory committee, and the participating governmental entities are stipulated in the bill.

A participating governmental entity would be authorized to appropriate funds to the commission for the costs and expenses required in the performance of its purposes. A commission would be authorized to apply for, contract for, receive, and expend for its purposes a grant or funds from participating governmental entities.

The bill would allow a landowner aggrieved by a report submitted to the commission or by a permit application decision by the participating governmental entities to appeal to a district court. The court would have the authority to reverse, modify, wholly or partly, the report or the permit application decision that is appealed.

Local Government Impact

It is assumed that eligible counties and municipalities would form a regional military sustainability commission if sufficient resources were available and if there was a need and benefit. At a minimum, the entities would incur costs to conduct the required public hearings and costs required for the commission to operate.

Source Agencies:

LBB Staff: JOB, KK, DB