

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

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 20, 2009**

**TO:** Honorable Byron Cook, Chair, House Committee on Environmental Regulation

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

**IN RE: HB3311** by Maldonado (Relating to the issuance of a permit for a municipal solid waste landfill located near certain municipalities.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would prohibit the Texas Commission on Environmental Quality (TCEQ) from issuing a permit for a municipal solid waste landfill unless it receives written consent to the permit from the governing body of each municipality that has any part of its municipal boundary located five miles or less from the proposed landfill and a population of more than 5,000. The bill would prohibit the governing body of an affected municipality from providing consent for such permits if: the governing body determines that the health, safety, or welfare of the residents of the municipality may be negatively affected by the landfill; the landfill site or the operation of the landfill fails to comply with the land use and zoning regulations of the municipality; or the landfill site or the operation of the landfill fails to correspond with the municipality's land use and development plans.

It is not expected that passage of the bill would result in the TCEQ requiring significant additional resources.

**Local Government Impact**

Affected municipalities may require additional resources for evaluating and determining land use and zoning compatibility specified in the bill. However, such costs are not expected to be significant.

**Source Agencies:** 582 Commission on Environmental Quality

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