

BILL ANALYSIS

C.S.H.B. 2232
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Defense & Veterans' Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that preventing encroachment onto the areas surrounding military installations has become one of the top priorities of the U.S. Department of Defense. To ensure the military's ability to maintain operational readiness in defense of the United States, these parties believe it is necessary to foster compatible land use between military installations and adjacent communities. C.S.H.B. 2232 seeks to address the issue of maintaining the readiness of military installations in light of the continuing growth and expansion of neighboring communities.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2232 amends the Local Government Code to revise statutory provisions relating to regional military sustainability commissions to authorize one or more municipalities with extraterritorial jurisdiction located within five miles of the boundary line of a military installation and one or more counties with unincorporated area located within five miles of the boundary of a military installation to agree by order, ordinance, or other means to establish and fund a regional military sustainability commission with respect to the military installation. The bill makes its provisions applicable only to a county in which three or more locations of a joint military base are located and with a population of more than 1.7 million, a county that is adjacent to such a county, and a municipality located in either type of county. The bill removes a provision prohibiting defense communities from establishing more than one commission in a county.

C.S.H.B. 2232 revises a provision relating to such a commission to establish that a commission's territory consists of the area located in the extraterritorial jurisdiction of a participating municipality or the unincorporated area of a participating county; the area designated as the commission's territory when the commission is established; and the area located outside the military installation's boundaries and within two miles of the boundary line of a military installation, or, if the commission is established for a military installation that is engaged in flight training at the time the commission is established, within a rectangle bounded by lines located no farther than 1-1/2 statute miles from the centerline of a runway of the installation and lines located no farther than five statute miles from each end of the paved surface of a runway of the installation. The bill repeals a statutory provision relating to the territory of a commission if the military installation is engaged in flight training at the time the commission is established.

C.S.H.B. 2232 repeals Section 397A.052(d), Local Government Code.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2232 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Sections 397A.052(a), (b), and (c), Local Government Code, are amended to read as follows:

(a) This section applies only to:

(1) a county:

(A) in which at least two active military installations designated as census designated places by the United States Bureau of the Census are located; and

(B) with a population of more than 1.7 million;

(2) a county that is adjacent to a county described by Subdivision (1); and

(3) a municipality located in a county described by Subdivision (1) or (2).

~~(b) One or more municipalities [A county with unincorporated area located within five miles of the boundary line of a military installation, and a municipality with a population of 1.1 million or more and] with extraterritorial jurisdiction located within five miles of the boundary line of a military installation and one or more counties with unincorporated area located within five miles of the boundary of a military installation[, each of which, with respect to the same military installation, constitutes a defense community as defined by Section 397.001,] may agree by order, ordinance, or other means to establish and fund a regional military sustainability commission under this subchapter with respect to the military installation [in an area that is located:~~

~~[(1) in the same county as the active military installation; and~~

~~[(2) in the extraterritorial jurisdiction of the municipality].~~

~~[(b) Defense communities may not establish more than one commission in a~~

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Sections 397A.052(a), (b), and (c), Local Government Code, are amended to read as follows:

(a) This section applies only to:

(1) a county:

(A) in which three or more locations of a joint military base are located; and

(B) with a population of more than 1.7 million;

(2) a county that is adjacent to a county described by Subdivision (1); and

(3) a municipality located in a county described by Subdivision (1) or (2).

~~(b) One or more municipalities [A county with unincorporated area located within five miles of the boundary line of a military installation, and a municipality with a population of 1.1 million or more and] with extraterritorial jurisdiction located within five miles of the boundary line of a military installation and one or more counties with unincorporated area located within five miles of the boundary of a military installation[, each of which, with respect to the same military installation, constitutes a defense community as defined by Section 397.001,] may agree by order, ordinance, or other means to establish and fund a regional military sustainability commission under this subchapter with respect to the military installation [in an area that is located:~~

~~[(1) in the same county as the active military installation; and~~

~~[(2) in the extraterritorial jurisdiction of the municipality].~~

~~[(b) Defense communities may not establish more than one commission in a~~

county.]

(c) A [~~Except as provided by Subsection (d), a~~] commission's territory consists of the [~~unincorporated~~] area;

(1) located;

(A) within two miles of the boundary line of a military installation, other than an installation described by Paragraph (B); or
(B) within five miles of the boundary line of a military installation engaged in flight training at the time the commission is established;

(2) located in:

(A) the extraterritorial jurisdiction of a participating municipality; or

(B) the unincorporated area of a participating county; and

(3) designated as the commission's territory when the commission is established.

SECTION 2. Section 397A.052(d), Local Government Code, is repealed.

SECTION 3. The changes in law made by this Act do not affect a regional military sustainability commission created under Section 397A.052, Local Government Code, before the effective date of this Act.

SECTION 4. This Act takes effect September 1, 2015.

county.]

(c) A [~~Except as provided by Subsection (d), a~~] commission's territory consists of the [~~unincorporated~~] area;

(1) located outside the military installation's boundaries and;

(A) within two miles of the boundary line of a military installation, except as provided by Paragraph (B); or

(B) for a commission established for a military installation engaged in flight training at the time the commission is established, within a rectangle bounded by lines located no farther than 1-1/2 statute miles from the centerline of a runway of the installation and lines located no farther than five statute miles from each end of the paved surface of a runway of the installation;

(2) located in:

(A) the extraterritorial jurisdiction of a participating municipality; or

(B) the unincorporated area of a participating county; and

(3) designated as the commission's territory when the commission is established.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.