

BILL ANALYSIS

Senate Research Center
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H.B. 1665
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Veteran Affairs & Military Installations
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2919, 81st Legislature, Regular Session, 2009, provided that a defense community that proposes to adopt or amend an ordinance, rule, or plan in an area located within eight miles of the boundary line of a defense base to seek comments and analysis from the base authorities concerning the compatibility of the proposed ordinance, rule, or plan with base operations. This bill only pertains 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 regulations under the Airport Zoning Act (specifically, this is related to Dyess Air Force Base near Abilene, Texas).

H.B. 1665 seeks to ensure clarification of the intent of H.B. 2919 that was passed in the 81st legislative session. This effort is based on some constituent concerns following passage of the bill.

The intent of last session's bill was simply notification, and to have a process in place so that a defense base was aware of potential encroachment that could affect its mission or stability.

H.B. 1665 changes "seek comments and analysis" to "notify" and removes any time limits for a defense base to respond to a notification of a building permit application.

H.B. 1665 amends current law relating to the notification requirements regarding certain land use regulations in an area near military facilities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 397.005, Local Government Code, to read as follows:

Sec. 397.005. CONSULTATION WITH OR NOTIFICATION TO DEFENSE BASE AUTHORITIES: PROPOSED ORDINANCE, RULE, OR PLAN.

SECTION 2. Amends Section 397.005(b), Local Government Code, as follows:

(b) Requires a defense community that proposes to adopt or amend an ordinance, rule, or plan in an area located within eight miles of the boundary line of a defense base, to notify the defense base authorities concerning the compatibility of the proposed ordinance, rule, or plan with base operations, rather than requires a defense community that proposes to adopt or amend an ordinance, rule, or plan in an area located within eight miles of the boundary line of a defense base or the military exercise or training activities connected to the base to seek comments and analysis from the defense base authorities concerning the compatibility of the proposed ordinance, rule, or plan with base operations.

SECTION 3. Amends the heading to Section 397.006, Local Government Code, to read as follows:

Sec. 397.006. CONSULTATION WITH OR NOTIFICATION TO DEFENSE BASE AUTHORITIES: PROPOSED STRUCTURE.

SECTION 4. Amends Section 397.006(b), Local Government Code, as follows:

(b) Requires the defense community reviewing the application, on receipt of an application for a permit as described by Section 245.001 (Definitions) for a proposed structure in an area located within eight miles of the boundary line of a defense base, to notify the defense base authorities concerning the compatibility of the proposed structure with base operations, rather than requires the defense community reviewing the application, on receipt of an application for a permit as described by Section 245.001 for a proposed structure in an area located within eight miles of the boundary line of a defense base or the military exercise or training activities connected to the base, to seek comments and analysis from the defense base authorities concerning the compatibility of the proposed structure with base operations.

SECTION 5. Repealer: Sections 397.005(c) (relating to requiring that a defense community consider and analyze any comments and analysis received from the defense base authorities before making a final determination relating to the proposed ordinance, rule, or plan) and 397.006(c) (relating to requiring that a defense community consider and analyze any comments and analysis received from the defense base authorities before making a final determination relating to the proposed ordinance, rule, or plan), Local Government Code.

SECTION 6. (a) Provides that the changes in law made by this Act apply only to an ordinance, rule, or plan proposed to be adopted or amended under Section 397.005(b), Local Government Code, as amended by this Act, or an application for a permit for a proposed structure received under Section 397.006(b), Local Government Code, as amended by this Act, on or after the effective date of this Act.

(b) Makes application of an ordinance, rule, or plan proposed to be adopted or amended under Section 397.005(b), Local Government Code, or an application for a permit for a proposed structure received under Section 397.006(b), Local Government Code, prospective.

SECTION 7. Effective date: upon passage or September 1, 2011.