

BILL ANALYSIS

Senate Research Center
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S.B. 1699
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Government Organization
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, local zoning requirements are not applicable to real property being used for state government operations. When the General Land Office (GLO) leases out land or sells land it retains an interest in, that exemption from local zoning remains. Interested parties claim that this creates a problematic competitive advantage for lessees or purchasers conducting private business or commercial operations.

The public policy behind this zoning preemption, they argue, was never intended to extend to private business, even when the GLO retains an interest in the land or the venture itself. The parties assert that this has been especially problematic in quarry operations conducted near the Texas-Mexico-New Mexico border.

S.B. 1699 addresses these issues by specifying that even though the GLO may retain some measure of ownership interest in a building, structure, or land, that property is not under the GLO's control, administration, or jurisdiction if it is being used for commercial purposes. In other words, the bill will remove the government operations zoning preemption in situations in which private business is being done. Since this issue is of particular concern to certain quarry operations, it is bracketed to the appropriate region.

As proposed, S.B. 1699 amends current law relating to the application of municipal zoning regulations to certain commercial property in which the General Land Office retains an ownership interest.

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 Section 211.013, Local Government Code, by adding Subsection (e), as follows:

(e) Provides that this subsection applies only to a building, other structure, or land located in a county with a population of more than 800,000 that is located along an international border and contains a municipality with a population of more than 615,000. Provides that for the purposes of Subsection (c) (relating to the provision that this subchapter does not apply to a building, other structure, or land under the control, administration, or jurisdiction of a state or federal agency), a building, other structure, or land in which the General Land Office retains an ownership interest wholly or partly and that is used by a person for commercial purposes is not under the control, administration, or jurisdiction of a state agency.

SECTION 2. Effective date: September 1, 2013.