

BILL ANALYSIS

Senate Research Center
81R26723 ATP-D

H.B. 2919
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Veteran Affairs & Military Installations
5/19/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2919 amends current law relating to the regulation of land use to ensure compatible development with military facilities in certain counties.

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 397.005, Local Government Code, as follows:

Sec. 397.005. CONSULTATION WITH DEFENSE BASE AUTHORITIES: PROPOSED ORDINANCE, RULE, OR PLAN. (a) Provides that this subsection applies to a defense community other than a defense community described by Subsection (b).

(b) Provides that this subsection applies only 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 Chapter 241 (Municipal and County Zoning Authority Around Airports). 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.

(c) Requires a defense community described by Subsection (b) to consider and analyze any comments and analysis received from the defense base authorities under Subsection (b) before making a final determination relating to the proposed ordinance, rule, or plan. Prohibits the defense community described by Subsection (b) from making a final determination under this subsection until the 31st day after the date comments and analysis are requested under Subsection (b).

SECTION 2. Amends Chapter 397, Local Government Code, by adding Section 397.006, as follows:

Sec. 397.006. CONSULTATION WITH DEFENSE BASE AUTHORITIES: PROPOSED STRUCTURE. (a) Provides that this section applies only 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 Chapter 241.

(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 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.

(c) Requires the defense community to consider and analyze any comments and analysis received from the defense base authorities under Subsection (b) before making a final determination relating to approval of the permit for the proposed structure. Prohibits the defense community from making a final determination under this subsection until the earlier of the date comments and analysis are received from the defense base authorities or the fifth business day after the date comments and analysis are requested under Subsection (b). Defines "business day."

(d) Provides that this section does not apply if a defense community is required to take immediate action on an application to protect the public health, safety, or welfare of residents of the defense community.

SECTION 3. Effective date: upon passage or September 1, 2009.