

BILL ANALYSIS

C.S.H.B. 3396

By: Gallego

Defense Affairs & State-Federal Relations
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Laughlin Air Force Base (LAFB) is located six miles east of Del Rio, Texas, and about nine miles from the international bridge to Ciudad Acuña, Coahuila, Mexico. It is 150 miles west of San Antonio on U.S. Highway 90. The 47th Flying Training Wing at LAFB is one of five Air Education and Training Command pilot training units and conducts specialized undergraduate pilot training for the United States Air Force.

LAFB, whose total economic impact on the area is estimated to be at least \$183 million each year, is critical to the economic well-being of both the City of Del Rio and Val Verde County. General development is increasing to accommodate the growing population of the area. HB 3396 is an important step in protecting the area around LAFB from development that may hinder its military operations, securing the future of the base, and thereby protecting the city and county as well.

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

CSHB 3396 amends the Local Government Code to set out legislative findings for the area that surrounds Laughlin Air Force Base and the purpose of this subchapter. The bill applies only to the unincorporated area of Val Verde County that is located within three miles of any point on the centerline of the main runway of the airport located at LAFB; or within five miles of any point on either end of that main runway. The County Commissioners Court of Val Verde County may regulate the general development of the area around LAFB based on recommendations of the Air Installation Compatible Use Zone Study of April 2000 and as that study is periodically updated.

The county shall adopt development regulations in accordance with a county plan for growth and development of the county and inform the municipalities located in the county regarding the adoption of the regulations. The Commissioners Court may divide the unincorporated area around LAFB into districts and development regulations may vary from district to district as the court considers best for carrying out this subchapter. Development regulations adopted under this subchapter are not effective until it is adopted by the commissioners court after a public hearing. The commissioners court must publish notice of the hearing in a newspaper of general circulation in the county before the 15th day before the hearing. Development regulation may be established or amended only by an order passed by a majority vote of the full membership of the court.

Requires the commissioners court to establish a development commission to assist in the implementation and enforcement of development regulations adopted under this. The development commission consists of an ex officio chairperson who must be a public official in Val Verde County; five members, with one member appointed by each person on the commissioners court; and one additional member appointed by the commissioners court who represents parties whose property interests are impacted by the regulatory authority granted under this subchapter. The development commission is advisory only and the members are subject to the same requirements relating to conflicts of interest that are applicable to the commissioners court under Chapter 171.

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The commissioner court may be petitioned for a special exception by a person aggrieved by a development regulation adopted by the commissioners court. The court shall adopt procedures relating to the granting of a special exception. The commissioners court may adopt orders to enforce development regulations adopted under this subchapter. A violation of this subchapter is a misdemeanor punishable by a fine of not less than \$500 or more than \$1,000 for each day that a violation occurs. Trial shall be in the district court.

The commissioners court may enter into agreements with any municipality located in the county to assist in the implementation and enforcement of development regulations. If a development regulation adopted by this subchapter imposes higher standards than those required under another statute or local order or regulation, the regulation adopted by this subchapter controls. If the other statute or local order or regulation imposes higher standard, that standard controls. To the extent of a conflict between this subchapter and a regulation adopted by a municipal governing body or board or commission located in the county with jurisdiction over airport zoning, the municipal regulation prevails.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON TO INTRODUCED VERSION

The original bill applied to the unincorporated area of Val Verde County that extends not more than 10 miles from the boundary line of LAFB. CSHB 3396 applies to the unincorporated area of Val Verde County that is located within three miles of any point on the centerline of the main runway of the airport located at LAFB or within five miles of any point on either end of that main runway.

The original bill stated that development regulations of the area must be adopted in accordance with a county plan for growth and development of the county and coordinated with the comprehensive plans of municipalities located in the county. CSHB 3396 states that the county shall adopt development regulations in accordance with a county plan for growth and development of the county and inform the municipalities located in the county regarding the adoption of the regulations.

In the original bill, the development commission consisted of an ex officio chairperson who must be a public official in Val Verde County and six additional members. Of the six additional members, the commissioners court was required to appoint two members, each from a list of persons recommended by the members of the Texas Senate and House who represent Val Verde County. In the substitute, the development commission consists of an ex officio chairperson who must be a public official in Val Verde County; five members, with one member appointed by each person on the commissioners court; and one additional member appointed by the commissioners court who represents parties whose property interests are impacted by the regulatory authority granted under this subchapter.

CSHB 3396 adds that to the extent of a conflict between this subchapter and a regulation adopted by a municipal governing body or municipal board or commission located in the county with jurisdiction over airport zoning, the municipal regulation prevails.