

BILL ANALYSIS

Senate Research Center

H.B. 3396
By: Gallego (Uresti)
Veteran Affairs & Military Installations
5/17/2007
Committee Report (Amended)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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 annually, 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.

H.B. 3396 authorizes the Commissioners Court of Val Verde County to regulate the unincorporated area of the county around LAFB in order to protect the area from development that may hinder LAFB's military operations and secure the future of the base.

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 Chapter 231, Local Government Code, by adding Subchapter L, as follows:

SUBCHAPTER L. PROTECTION OF LAUGHLIN AIR FORCE BASE

Sec. 231.241. **LEGISLATIVE FINDINGS; PURPOSE.** (a) Provides that the legislature finds that the area that surrounds Laughlin Air Force Base will be frequented for military and national security purposes by residents from many parts of the state and nation, orderly development and use of the area is of concern to the entire state, and without adequate protection regulations, the area will tend to become congested and to be used in ways that interfere with the proper use of the area as a secure location for the continuation of a military establishment.

(b) Provides that the powers granted under this subchapter are for the purpose of promoting the public health, safety, peace, morals, and general welfare, protecting and preserving places and areas of military and national security importance and significance, and encouraging state and national security.

Sec. 231.242. **AREAS SUBJECT TO REGULATION.** Provides that this subchapter applies only to a certain unincorporated area of Val Verde County.

Sec. 231.243. **PROTECTION REGULATIONS GENERALLY.** (a) Authorizes the Commissioners Court of Val Verde County (commissioners court) to regulate the unincorporated area as set forth in this subsection.

(b) Authorizes the commissioners court to adopt protection regulations authorized by Subsection (a) in an area of the unincorporated county based on recommendations of the Air Installation Compatible Use Zone Study of April

2000, and as that study is periodically updated, if the commissioners court makes findings that the conclusions of the study on which the commissioners court is basing its findings accurately reflect development circumstances in the subject area.

Sec. 231.244. COMPLIANCE WITH COUNTY PLAN. Requires the county to adopt protection regulations in accordance with a county plan for growth and development of the county and inform municipalities located in the county regarding the adoption of the regulations.

Sec. 231.245. PROCEDURE GOVERNING ADOPTION OF REGULATIONS. (a) Provides that a protection regulation adopted under this subchapter is not effective until it is adopted by the commissioners court after a public hearing. Requires the commissioners court to publish notice of the hearing in a newspaper of general circulation in the county before the 15th day before the date of the hearing.

(b) Authorizes the commissioners court to establish or amend a protection regulation only by an order passed by a majority vote of the full membership of the court.

Sec. 231.246. PROTECTION COMMISSION. (a) Requires the commissioners court to establish a protection commission (commission) to assist in the implementation and enforcement of protection regulations adopted under this subchapter.

(b) Sets forth the composition of the commission.

(c) Provides that the chairperson appointed under this section serves a two-year term of office, and that the other members serve four-year terms. Requires the commissioners court to designate the other six members for staggered terms so that one initial member serves a term of one year, one initial member serves a term of two years, two initial members serve terms of three years, and two initial members serve terms of four years. Requires the entity that appointed a previous member to appoint a new member in the event of resignation, end of term, or a vacancy.

(d) Provides that the commission is advisory only and is authorized to recommend appropriate protection regulations for the county.

(e) Provides that the members of the commission are subject to the same requirements relating to conflicts of interest that are applicable to the commissioners court under Chapter 171 (Regulation of Conflicts of Interest of Officers of Municipalities, Counties, and Certain other Local Governments).

Sec. 231.247. SPECIAL EXCEPTION. (a) Authorizes a person aggrieved by a protection regulation adopted under this subchapter to petition the commissioners court for a special exception to a protection regulation adopted by the commissioners court.

(b) Requires the commissioners court to adopt procedures governing applications, notice, hearings, and other matters relating to the grant of a special exception.

Sec. 231.248. ENFORCEMENT; PENALTY. (a) Authorizes the commissioners court to adopt orders to enforce this subchapter or an order or protection regulation adopted under this subchapter.

(b) Provides that a person commits an misdemeanor offense punishable by a fine of not less than \$500 or more than \$1,000 if the person violates this subchapter or an order or protection regulation adopted under this subchapter. Provides that each day that a violation occurs constitutes a separate offense. Requires trial to be in the district court.

Sec. 231.249. COOPERATION WITH MUNICIPALITIES. Authorizes the commissioners court by order to enter into agreements with any municipality located in the county to assist in the implementation and enforcement of protection regulations adopted under this subchapter.

Sec. 231.250. CONFLICT WITH OTHER LAWS. (a) Provides that if a protection regulation adopted under this subchapter imposes higher standards than those required under another statute or local order or regulation, the regulation adopted under this subchapter controls, except as provided by Subsection (b). Provides that if the other statute or local order or regulation imposes higher standards, that statute, order, or regulation controls.

(b) Provides 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.

SECTION 2. Effective date: upon passage or September 1, 2007.

SUMMARY OF COMMITTEE CHANGES

Committee Amendment No. 2

(1) Amends SECTION 1, in added Section 231.243(a), Local Government Code (Engrossed Version, page 2, between lines 11 and 12), by adding a new Subdivision (1), authorizing the Val Verde County commissioners court to regulate the percentage of a lot that may be occupied or developed, and renumbering the existing subdivisions of that added section accordingly.

(2) Amends SECTION 1, in added Subchapter L, Chapter 231, Local Government Code (Engrossed Version, page 3, between lines 12 and 13), by inserting a new Section 231.245, as follows, and renumbering the existing Section 231.245 and subsequent sections of that added subchapter accordingly:

Sec. 231.245. DISTRICTS. (a) Authorizes the commissioners court to divide the unincorporated area of the county into districts of a number, shape, and size the court considers best for carrying out this subchapter.

(b) Authorizes protection regulations to vary from district to district.

(3) Amends SECTION 1, in existing added Section 231.245, Local Government Code (Engrossed Version, page 3, line 13), to provide a new heading, to read as follows:

Sec. 231.245. PROCEDURE GOVERNING ADOPTION OF REGULATIONS AND DISTRICT BOUNDARIES.

(4) Amends SECTION 1, in existing added Section 231.250, Local Government Code (Engrossed Version, page 5, lines 17-18), to delete an exception provided by Subsection (b), to conform that section to this committee amendment.

(5) Amends SECTION 1, in existing added Section 231.250, Local Government Code (Engrossed Version, page 5, lines 24-27), by striking Subsection (b).