

BILL ANALYSIS

C.S.H.B. 2919
By: King, Susan
Defense & Veterans' Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Preventing the encroachment of military installations has become one of the top priorities of the U.S. Department of Defense. To ensure the military's ability to maintain operational readiness in defense of the United States, it is necessary to foster compatible land use between military installations and adjacent communities.

C.S.H.B. 2919 allows the readiness of military installations to be preserved alongside the growth and expansion of communities by requiring certain defense communities to meet and confer with defense base authorities regarding any proposed ordinance, rule, plan, or structure within eight miles of the base's boundary line.

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

C.S.H.B. 2919 amends the Local Government Code to require 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. The bill requires the defense community to 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. The bill prohibits the defense community from making a final determination regarding the proposed ordinance, rule, or plan until the 31st day after the date comments and analysis are requested from the defense base authorities. The bill applies these requirements 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 the Airport Zoning Act.

C.S.H.B. 2919 requires a defense community, on receipt of an application for a permit to construct 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. The bill requires the defense community to consider and analyze any comments and analysis received from the defense base authorities before making a final determination relating to approval of the permit for the proposed structure. The bill prohibits the defense community from making a final determination 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. The bill defines "business day" for these purposes to mean any day other than a Saturday, Sunday, or state or federal holiday. The bill applies these requirements 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, and exempts from these requirements a defense community that is required to take immediate action on an application to protect the public health, safety, or welfare of residents of the defense community.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2919 differs from the original by applying requirements relating to consultation with defense base authorities to a defense community that proposes to adopt or amend an ordinance, rule, or plan in an area located within eight miles, rather than 10 miles as in the original, of the boundary line of a defense base or the military exercise or training activities connected to the base. The substitute adds a provision not in the original applying these requirements to 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.

C.S.H.B. 2919 differs from the original by applying requirements relating to consultation with defense base authorities to a defense community that receives an application for a permit to construct a proposed structure in an area located within eight miles, rather than 10 miles as in the original, of the boundary line of a defense base or the military exercise or training activities connected to the base. The substitute differs from the original by prohibiting a final determination from a defense community regarding the proposed structure 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, rather than until the 31st day after the date comments and analysis are requested as in the original. The substitute adds provisions not in the original applying these requirements 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, exempting from these requirements a defense community that is required to take immediate action on an application to protect the public health, safety, or welfare of residents of the defense community. The substitute adds a provision not in the original defining "business day" for these purposes.