

By: Van de Putte

S.B. No. 2223

A BILL TO BE ENTITLED

AN ACT

relating to allowing a municipality to create a defense base regulatory authority.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 375, Local Government Code, is amended by adding Subchapter Q to read as follows:

SUBCHAPTER Q. DEFENSE BASE REGULATORY AUTHORITY

Sec. 375.401. LEGISLATIVE FINDINGS; PURPOSES. (a) The legislature finds that:

(1) the creation of an authority under this subchapter is essential to accomplish the purposes of Sections 52 and 52-a, Article III, Texas Constitution; and

(2) it is an appropriate role for an authority to regulate economic activity around an active defense base in or near a municipality.

(b) The powers granted under this subchapter are for the purpose of:

(1) promoting the public health, safety, and general welfare;

(2) protecting and preserving places and areas of military and national security importance and significance; and

(3) encouraging state and national security.

Sec. 375.402. CONSTRUCTION OF SUBCHAPTER. (a) This subchapter shall be liberally construed in conformity with the

1 findings and purposes stated in Section 375.301.

2 (b) To the extent consistent with this subchapter,
3 Subchapter O applies to an authority created under this subchapter.

4 Sec. 375.403. CREATION OF AUTHORITY. (a) The governing
5 body of a municipality with a population of 1.1 million or more by
6 resolution or ordinance may create a defense base regulatory
7 authority in an area that is:

8 (1) in the same county as an active military
9 installation; and

10 (2) in the municipality's extraterritorial
11 jurisdiction.

12 (b) Subchapter B and Sections 375.041 and 375.042 do not
13 apply to an authority created under this subchapter.

14 Sec. 375.404. HEARING ON CREATION OF AUTHORITY. (a) Not
15 earlier than the 60th day or later than the 30th day before the date
16 the governing body of the municipality creates the authority, the
17 governing body shall hold two public hearings to consider the
18 creation of the proposed authority. The governing body must
19 publish notice of the hearing in a newspaper of general circulation
20 in the proposed authority at least seven days before each public
21 hearing.

22 (b) The notice required by Subsection (a) must state:

23 (1) the name of the proposed authority;

24 (2) the date, time, and place for the public hearing;

25 (3) the boundaries of the proposed authority,
26 including a map of the proposed authority; and

27 (4) the powers of the proposed authority.

1 Sec. 375.405. BOARD OF DIRECTORS; TERMS. (a) An authority
2 is governed by a board of five directors appointed by the governing
3 body of the municipality that created the authority to serve
4 staggered four-year terms.

5 (b) The governing body of the municipality that created the
6 authority shall divide the initially appointed directors into two
7 groups so that two directors serve two-year terms and three
8 directors serve four-year terms. Every two years the governing
9 body of the municipality that created the authority shall appoint
10 the appropriate number of directors to the board.

11 Sec. 375.406. POWERS OF AUTHORITY; ZONING. (a) An
12 authority has the powers Chapter 211 grants a municipality in the
13 area of the authority, including an area of the authority that is in
14 the boundaries of a municipality's limited purpose jurisdiction.
15 On annexation of an area of the authority for full purposes by a
16 municipality, the authority's power to regulate the area under
17 Chapter 211 expires. The authority regains the power in an area if
18 the municipality disannexes the area.

19 (b) The board may divide the authority into distinct areas
20 as provided by Section 211.005 to accomplish the purposes of this
21 subchapter and Chapter 211.

22 (c) Sections 375.308, 375.3085, 375.310, 375.311, and
23 375.314 do not apply to an authority created under this subchapter.

24 Sec. 375.407. DISSOLUTION OF AUTHORITY. (a) The governing
25 body of the municipality that created an authority under this
26 subchapter may dissolve the authority.

27 (b) Before dissolution, the municipality shall publish

1 notice and hold public hearings on the proposed dissolution in the
2 manner provided in Section 375.404.

3 (c) On dissolution, the municipality shall assume the
4 assets, debts, and other obligations of the authority.

5 (d) Subchapter M does not apply to an authority created
6 under this subchapter.

7 SECTION 2. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2009.