

BILL ANALYSIS

Senate Research Center
84R4338 ATP-F

H.B. 1186
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Intergovernmental Relations
4/29/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

On September 17, 2014, the Federal Aviation Administration issued a commercial spaceport license to Midland International Airport, marking the first time an airport with regular passenger air service has also been cleared to host spaceships. The City of Midland undertook many hours towards the creation of an additional overlay zone that included the public notice and open meeting requirements currently found in airport hazard zoning statutes. The city now seeks validation from the state for the zoning ordinances they have adopted.

H.B. 1186 amends current law relating to the validation of certain actions relating to municipal airport zoning regulations.

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. Defines “airport zoning regulation.”

SECTION 2. Provides that the legislature finds that a municipality's adoption of airport zoning regulations is a governmental function, serves a public purpose and benefit, is reasonably taken to fulfill an obligation mandated by federal or state law, and is taken out of a reasonable good-faith belief that the action is necessary to prevent a grave and immediate threat to life or property.

SECTION 3. Provides that this Act applies only to an action taken with respect to a municipally owned and operated international airport that has obtained the appropriate Federal Aviation Administration license or other authorization necessary to operate a spaceport, launch site, or commercial space launch site.

SECTION 4. (a) Provides that all governmental and proprietary actions and proceedings of a municipality, the municipality's planning and zoning commission, the municipality's airport zoning commission, and the municipality's board of adjustment designated or appointed under Chapter 241 (Municipal and County Zoning Authority Around Airports), Local Government Code, taken before the effective date of this Act relating to the adoption or enforcement of airport zoning regulations under Chapter 241, Local Government Code, in the municipality or the municipality's extraterritorial jurisdiction, are validated, ratified, and confirmed in all respects as of the dates on which they occurred. Provides that all required notices are considered to have been given and are validated, ratified, and confirmed in all respects.

(b) Provides that this section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or

(2) has been held invalid by a final court judgment.

SECTION 5. Effective date: upon passage or September 1, 2015.