

## **BILL ANALYSIS**

Senate Research Center  
81r10929 GCB-D

S.B. 2223  
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Veteran Affairs & Military Installations  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Uncurtailed development is impinging upon the critical mission capability of several military installations in the state of Texas. It is imperative for the sustainment of our military installations that we find a way to reconcile a city's growth with the maintenance of the installation's mission. Military installations provide an invaluable contribution to a community's diversity and economic stability. Ensuring their continued operation is critical to a community's well-being, and it also ensures that Texas continues to enjoy a productive, mutually-beneficial relationship with the Department of Defense and its military installations. It is an appropriate role for a defense base regulatory authority to regulate economic activity around an active defense base in or near a municipality.

As proposed, S.B. 2223 authorizes the creation of a defense base regulatory authority (authority) and sets forth provisions relating to the process for creating an authority and the composition and powers of an authority board of directors..

### **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 375, Local Government Code, by adding Subchapter Q, as follows:

#### **SUBCHAPTER Q. DEFENSE BASE REGULATORY AUTHORITY**

Sec. 375.401. LEGISLATIVE FINDINGS; PURPOSES. (a) Provides that the legislature finds that the creation of an authority under this subchapter is essential to accomplish the purposes of Sections 52 (Counties, Cities or Other Political Corporations or Subdivisions; Lending Credit; Grants; Bonds) and 52-a (Assistance Grants and Medical Care For Needy Aged, Disabled, and Blind Persons and Needy Children; Federal Funds), Article III (Legislative Department), Texas Constitution, and that it is an appropriate role for the authority to regulate economic activity around an active defense base in or near a municipality.

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

Sec. 375.402. CONSTRUCTION OF SUBCHAPTER. (a) Requires that this subchapter be liberally construed in conformity with the findings and purposes stated in Section 375.301 (Legislative Findings; Purpose).

(b) Provides that, to the extent consistent with this subchapter, Subchapter O (Defense Adjustment Management Authority) applies to an authority created under this subchapter.

Sec. 375.403. CREATION OF AUTHORITY. (a) Authorizes the governing body of a municipality with a population of 1.1 million or more by resolution or ordinance to create a defense base regulatory authority in an area that is in the same county as an active military installation and in the municipality's extraterritorial jurisdiction.

(b) Provides that Subchapter B (Creation of District) and Sections 375.041 (Commission Order) and 375.042 (Mistake in Boundary Description) do not apply to an authority created under this subchapter.

Sec. 375.404. HEARING ON CREATION OF AUTHORITY. (a) Requires the governing body, not earlier than the 60th day or later than the 30th day before the date the governing body of the municipality creates the authority, to hold two public hearings to consider the creation of the proposed authority. Requires the governing body to publish notice of the hearing in a newspaper of general circulation in the proposed authority at least seven days before each public hearing.

(b) Requires that the notice required by Subsection (a) state certain information.

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

(b) Requires the governing body of the municipality that created the authority to divide the initially appointed directors into two groups so that two directors serve two-year terms and three directors serve four-year terms. Requires the governing body of the municipality that created the authority to appoint the appropriate number of directors to the board every two years.

Sec. 375.406. POWERS OF AUTHORITY; ZONING. (a) Provides that an authority has the powers Chapter 211 (Municipal Zoning Authority) grants a municipality in the area of the authority, including an area of the authority that is in the boundaries of a municipality's limited purpose jurisdiction. Provides that, on annexation of an area of the authority for full purposes by a municipality, the authority's power to regulate the area under Chapter 211 expires. Provides that the authority regains the power in an area if the municipality disannexes the area.

(b) Authorizes the board to divide the authority into distinct areas as provided by Section 211.005 (Districts) to accomplish the purposes of this subchapter and Chapter 211.

(c) Provides that Sections 375.308 (Powers of the Authority; Municipality), 375.3085 (Annexation or Disannexation), 375.310 (Authority Plan), 375.311 (Sales and Use Tax), and 375.314 (Dissolution of the Authority) do not apply to an authority created under this subchapter.

Sec. 375.407. DISSOLUTION OF AUTHORITY. (a) Authorizes the governing body of the municipality that created an authority under this subchapter to dissolve the authority.

(b) Requires the municipality, before dissolution, to publish notice and hold public hearings on the proposed dissolution in the manner provided in Section 375.404.

(c) Requires the municipality, on dissolution, to assume the assets, debts, and other obligations of the authority.

(d) Provides that Subchapter M (Dissolution) does not apply to an authority created under this subchapter.

SECTION 2. Effective date: upon passage or September 1, 2009.