

By: Gallego

H.B. No. 3396

A BILL TO BE ENTITLED

AN ACT

relating to granting certain counties general zoning authority around certain military facilities; providing a penalty.

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

SECTION 1. Chapter 231, Local Government Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. PROTECTION OF LAUGHLIN AIR FORCE BASE

Sec. 231.241. LEGISLATIVE FINDINGS; PURPOSE. (a) The legislature finds that:

(1) 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;

(2) orderly development and use of the area is of concern to the entire state; and

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

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

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

1           (3) encouraging state and national security.

2           Sec. 231.242. AREAS SUBJECT TO REGULATION. This subchapter  
3 applies only to the unincorporated area of Val Verde County that is  
4 located:

5           (1) within three miles of any point on the centerline  
6 of the main runway of the airport located at Laughlin Air Force  
7 Base; or

8           (2) within five miles of any point on either end of  
9 that main runway.

10          Sec. 231.243. PROTECTION REGULATIONS GENERALLY. (a) The  
11 Commissioners Court of Val Verde County may regulate:

12           (1) the size of buildings;

13           (2) the location, design, construction, extension,  
14 and size of streets and roads;

15           (3) the location, design, construction, extension,  
16 size, and installation of water and wastewater facilities,  
17 including the requirements for connecting to a centralized water or  
18 wastewater system;

19           (4) the location, design, construction, extension,  
20 size, and installation of drainage facilities and other required  
21 public facilities;

22           (5) the location, design, and construction of parks,  
23 playgrounds, and recreational areas; and

24           (6) the abatement of harm resulting from inadequate  
25 water or wastewater facilities.

26          (b) The Commissioners Court of Val Verde County may adopt  
27 protection regulations authorized by Subsection (a) in an area of

1 the unincorporated county based on recommendations of the Air  
2 Installation Compatible Use Zone Study of April 2000 and as that  
3 study is periodically updated if the commissioners court makes  
4 findings that the conclusions of the study on which the  
5 commissioners court is basing its findings accurately reflects  
6 development circumstances in the subject area.

7 Sec. 231.244. COMPLIANCE WITH COUNTY PLAN. The county  
8 shall:

9 (1) adopt protection regulations in accordance with a  
10 county plan for growth and development of the county; and

11 (2) inform municipalities located in the county  
12 regarding the adoption of the regulations.

13 Sec. 231.245. PROCEDURE GOVERNING ADOPTION OF REGULATIONS.

14 (a) A protection regulation adopted under this subchapter is not  
15 effective until it is adopted by the commissioners court after a  
16 public hearing. Before the 15th day before the date of the hearing,  
17 the commissioners court must publish notice of the hearing in a  
18 newspaper of general circulation in the county.

19 (b) The commissioners court may establish or amend a  
20 protection regulation only by an order passed by a majority vote of  
21 the full membership of the court.

22 Sec. 231.246. PROTECTION COMMISSION. (a) The  
23 commissioners court shall establish a protection commission to  
24 assist in the implementation and enforcement of protection  
25 regulations adopted under this subchapter.

26 (b) The protection commission is composed of the following  
27 seven members:

1           (1) an ex officio chairperson appointed by the  
2 commissioners court who must be a public official in Val Verde  
3 County;

4           (2) five members, with one member appointed by each  
5 person serving on the commissioners court; and

6           (3) one member appointed by the commissioners court  
7 who represents parties whose property interests are impacted by the  
8 regulatory authority granted under this subchapter.

9           (c) The chairperson appointed under this section serves a  
10 two-year term of office. The other members serve four-year terms.  
11 Of the initial appointments of the six other members, the  
12 commissioners court shall designate the members for staggered terms  
13 so that one initial member serves a term of one year, one initial  
14 member serves a term of two years, two initial members serve terms  
15 of three years, and two initial members serve terms of four years.  
16 In the event of resignation, end of term, or a vacancy, the entity  
17 that appointed the previous member shall appoint a new member.

18           (d) The protection commission is advisory only and may  
19 recommend appropriate protection regulations for the county.

20           (e) The members of the protection commission are subject to  
21 the same requirements relating to conflicts of interest that are  
22 applicable to the commissioners court under Chapter 171.

23           Sec. 231.247. SPECIAL EXCEPTION. (a) A person aggrieved by  
24 a protection regulation adopted under this subchapter may petition  
25 the commissioners court for a special exception to a protection  
26 regulation adopted by the commissioners court.

27           (b) The commissioners court shall adopt procedures

1 governing applications, notice, hearings, and other matters  
2 relating to the grant of a special exception.

3 Sec. 231.248. ENFORCEMENT; PENALTY. (a) The commissioners  
4 court may adopt orders to enforce this subchapter or an order or  
5 protection regulation adopted under this subchapter.

6 (b) A person commits an offense if the person violates this  
7 subchapter or an order or protection regulation adopted under this  
8 subchapter. An offense under this subsection is a misdemeanor  
9 punishable by a fine of not less than \$500 or more than \$1,000. Each  
10 day that a violation occurs constitutes a separate offense. Trial  
11 shall be in the district court.

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

17 Sec. 231.250. CONFLICT WITH OTHER LAWS. (a) Except as  
18 provided by Subsection (b), if a protection regulation adopted  
19 under this subchapter imposes higher standards than those required  
20 under another statute or local order or regulation, the regulation  
21 adopted under this subchapter controls. If the other statute or  
22 local order or regulation imposes higher standards, that statute,  
23 order, or regulation controls.

24 (b) To the extent of a conflict between this subchapter and  
25 a regulation adopted by a municipal governing body or municipal  
26 board or commission located in the county with jurisdiction over  
27 airport zoning, the municipal regulation prevails.

1           SECTION 2. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2007.