

1-1 By: Gallego (Senate Sponsor - Uresti) H.B. No. 3396  
1-2 (In the Senate - Received from the House May 14, 2007;  
1-3 May 15, 2007, read first time and referred to Committee on Veteran  
1-4 Affairs and Military Installations; May 18, 2007, reported  
1-5 favorably, as amended, by the following vote: Yeas 4, Nays 0;  
1-6 May 18, 2007, sent to printer.)

1-7 COMMITTEE AMENDMENT NO. 1 By: Shapleigh

1-8 Amend H.B. No. 3396 (House Engrossment) as follows:

1-9 (1) In SECTION 1 of the bill, in added Section 231.243(a),  
1-10 Local Government Code (page 2, between lines 9 and 10), insert a  
1-11 new Subdivision (1) as follows and renumber the existing  
1-12 Subdivision (1) and subsequent subdivisions of Section 231.243(a)  
1-13 accordingly:

1-14 (1) the percentage of a lot that may be occupied or  
1-15 developed;

1-16 (2) In SECTION 1 of the bill, in added Subchapter L, Chapter  
1-17 231, Local Government Code (page 2, between lines 37 and 38), insert  
1-18 a new Section 231.245 as follows and renumber the existing Section  
1-19 231.245 and subsequent sections of Subchapter L, Chapter 231,  
1-20 accordingly:

1-21 Sec. 231.245. DISTRICTS. (a) The commissioners court may  
1-22 divide the unincorporated area of the county into districts of a  
1-23 number, shape, and size the court considers best for carrying out  
1-24 this subchapter.

1-25 (b) Protection regulations may vary from district to  
1-26 district.

1-27 (3) In SECTION 1 of the bill, in existing added Section  
1-28 231.245, Local Government Code (page 2, line 38), between  
1-29 "REGULATIONS" and the period, insert "AND DISTRICT BOUNDARIES".

1-30 (4) In SECTION 1 of the bill, in existing added Section  
1-31 231.250, Local Government Code (page 3, lines 16-17), strike "(a)  
1-32 Except as provided by Subsection (b), if" and substitute "If".

1-33 (5) In SECTION 1 of the bill, in existing added Section  
1-34 231.250, Local Government Code (page 3, lines 34-37), strike  
1-35 Subsection (b).

1-36 A BILL TO BE ENTITLED  
1-37 AN ACT

1-38 relating to granting certain counties general zoning authority  
1-39 around certain military facilities; providing a penalty.

1-40 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-41 SECTION 1. Chapter 231, Local Government Code, is amended  
1-42 by adding Subchapter L to read as follows:

1-43 SUBCHAPTER L. PROTECTION OF LAUGHLIN AIR FORCE BASE

1-44 Sec. 231.241. LEGISLATIVE FINDINGS; PURPOSE. (a) The  
1-45 legislature finds that:

1-46 (1) the area that surrounds Laughlin Air Force Base  
1-47 will be frequented for military and national security purposes by  
1-48 residents from many parts of the state and nation;

1-49 (2) orderly development and use of the area is of  
1-50 concern to the entire state; and

1-51 (3) without adequate protection regulations, the area  
1-52 will tend to become congested and to be used in ways that interfere  
1-53 with the proper use of the area as a secure location for the  
1-54 continuation of a military establishment.

1-55 (b) The powers granted under this subchapter are for the  
1-56 purpose of:

1-57 (1) promoting the public health, safety, peace,  
1-58 morals, and general welfare;

1-59 (2) protecting and preserving places and areas of  
1-60 military and national security importance and significance; and

1-61 (3) encouraging state and national security.

1-62 Sec. 231.242. AREAS SUBJECT TO REGULATION. This subchapter

2-1 applies only to the unincorporated area of Val Verde County that is  
 2-2 located:  
 2-3 (1) within three miles of any point on the centerline  
 2-4 of the main runway of the airport located at Laughlin Air Force  
 2-5 Base; or  
 2-6 (2) within five miles of any point on either end of  
 2-7 that main runway.  
 2-8 Sec. 231.243. PROTECTION REGULATIONS GENERALLY. (a) The  
 2-9 Commissioners Court of Val Verde County may regulate:  
 2-10 (1) the size of buildings;  
 2-11 (2) the location, design, construction, extension,  
 2-12 and size of streets and roads;  
 2-13 (3) the location, design, construction, extension,  
 2-14 size, and installation of water and wastewater facilities,  
 2-15 including the requirements for connecting to a centralized water or  
 2-16 wastewater system;  
 2-17 (4) the location, design, construction, extension,  
 2-18 size, and installation of drainage facilities and other required  
 2-19 public facilities;  
 2-20 (5) the location, design, and construction of parks,  
 2-21 playgrounds, and recreational areas; and  
 2-22 (6) the abatement of harm resulting from inadequate  
 2-23 water or wastewater facilities.  
 2-24 (b) The Commissioners Court of Val Verde County may adopt  
 2-25 protection regulations authorized by Subsection (a) in an area of  
 2-26 the unincorporated county based on recommendations of the Air  
 2-27 Installation Compatible Use Zone Study of April 2000 and as that  
 2-28 study is periodically updated if the commissioners court makes  
 2-29 findings that the conclusions of the study on which the  
 2-30 commissioners court is basing its findings accurately reflects  
 2-31 development circumstances in the subject area.  
 2-32 Sec. 231.244. COMPLIANCE WITH COUNTY PLAN. The county  
 2-33 shall:  
 2-34 (1) adopt protection regulations in accordance with a  
 2-35 county plan for growth and development of the county; and  
 2-36 (2) inform municipalities located in the county  
 2-37 regarding the adoption of the regulations.  
 2-38 Sec. 231.245. PROCEDURE GOVERNING ADOPTION OF REGULATIONS.  
 2-39 (a) A protection regulation adopted under this subchapter is not  
 2-40 effective until it is adopted by the commissioners court after a  
 2-41 public hearing. Before the 15th day before the date of the hearing,  
 2-42 the commissioners court must publish notice of the hearing in a  
 2-43 newspaper of general circulation in the county.  
 2-44 (b) The commissioners court may establish or amend a  
 2-45 protection regulation only by an order passed by a majority vote of  
 2-46 the full membership of the court.  
 2-47 Sec. 231.246. PROTECTION COMMISSION. (a) The  
 2-48 commissioners court shall establish a protection commission to  
 2-49 assist in the implementation and enforcement of protection  
 2-50 regulations adopted under this subchapter.  
 2-51 (b) The protection commission is composed of the following  
 2-52 seven members:  
 2-53 (1) an ex officio chairperson appointed by the  
 2-54 commissioners court who must be a public official in Val Verde  
 2-55 County;  
 2-56 (2) five members, with one member appointed by each  
 2-57 person serving on the commissioners court; and  
 2-58 (3) one member appointed by the commissioners court  
 2-59 who represents parties whose property interests are impacted by the  
 2-60 regulatory authority granted under this subchapter.  
 2-61 (c) The chairperson appointed under this section serves a  
 2-62 two-year term of office. The other members serve four-year terms.  
 2-63 Of the initial appointments of the six other members, the  
 2-64 commissioners court shall designate the members for staggered terms  
 2-65 so that one initial member serves a term of one year, one initial  
 2-66 member serves a term of two years, two initial members serve terms  
 2-67 of three years, and two initial members serve terms of four years.  
 2-68 In the event of resignation, end of term, or a vacancy, the entity  
 2-69 that appointed the previous member shall appoint a new member.

3-1 (d) The protection commission is advisory only and may  
3-2 recommend appropriate protection regulations for the county.

3-3 (e) The members of the protection commission are subject to  
3-4 the same requirements relating to conflicts of interest that are  
3-5 applicable to the commissioners court under Chapter 171.

3-6 Sec. 231.247. SPECIAL EXCEPTION. (a) A person aggrieved by  
3-7 a protection regulation adopted under this subchapter may petition  
3-8 the commissioners court for a special exception to a protection  
3-9 regulation adopted by the commissioners court.

3-10 (b) The commissioners court shall adopt procedures  
3-11 governing applications, notice, hearings, and other matters  
3-12 relating to the grant of a special exception.

3-13 Sec. 231.248. ENFORCEMENT; PENALTY. (a) The commissioners  
3-14 court may adopt orders to enforce this subchapter or an order or  
3-15 protection regulation adopted under this subchapter.

3-16 (b) A person commits an offense if the person violates this  
3-17 subchapter or an order or protection regulation adopted under this  
3-18 subchapter. An offense under this subsection is a misdemeanor  
3-19 punishable by a fine of not less than \$500 or more than \$1,000. Each  
3-20 day that a violation occurs constitutes a separate offense. Trial  
3-21 shall be in the district court.

3-22 Sec. 231.249. COOPERATION WITH MUNICIPALITIES. The  
3-23 commissioners court by order may enter into agreements with any  
3-24 municipality located in the county to assist in the implementation  
3-25 and enforcement of protection regulations adopted under this  
3-26 subchapter.

3-27 Sec. 231.250. CONFLICT WITH OTHER LAWS. (a) Except as  
3-28 provided by Subsection (b), if a protection regulation adopted  
3-29 under this subchapter imposes higher standards than those required  
3-30 under another statute or local order or regulation, the regulation  
3-31 adopted under this subchapter controls. If the other statute or  
3-32 local order or regulation imposes higher standards, that statute,  
3-33 order, or regulation controls.

3-34 (b) To the extent of a conflict between this subchapter and  
3-35 a regulation adopted by a municipal governing body or municipal  
3-36 board or commission located in the county with jurisdiction over  
3-37 airport zoning, the municipal regulation prevails.

3-38 SECTION 2. This Act takes effect immediately if it receives  
3-39 a vote of two-thirds of all the members elected to each house, as  
3-40 provided by Section 39, Article III, Texas Constitution. If this  
3-41 Act does not receive the vote necessary for immediate effect, this  
3-42 Act takes effect September 1, 2007.

3-43 \* \* \* \* \*