

AN ACT

relating to the notification requirements regarding certain land use regulations in an area near military facilities.

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

SECTION 1. The heading to Section 397.005, Local Government Code, is amended to read as follows:

Sec. 397.005. CONSULTATION WITH OR NOTIFICATION TO DEFENSE BASE AUTHORITIES: PROPOSED ORDINANCE, RULE, OR PLAN.

SECTION 2. Section 397.005(b), Local Government Code, is amended to read as follows:

(b) This subsection applies only to a defense community that includes a municipality with a population of more than 110,000 located in a county with a population of less than 135,000 and that has not adopted airport zoning regulations under Chapter 241. A defense community that proposes to adopt or amend an ordinance, rule, or plan in an area located within eight miles of the boundary line of a defense base [~~or the military exercise or training activities connected to the base~~] shall notify [~~seek comments and analysis from~~] the defense base authorities concerning the compatibility of the proposed ordinance, rule, or plan with base operations.

SECTION 3. The heading to Section 397.006, Local Government Code, is amended to read as follows:

Sec. 397.006. CONSULTATION WITH OR NOTIFICATION TO DEFENSE

1 BASE AUTHORITIES: PROPOSED STRUCTURE.

2 SECTION 4. Section 397.006(b), Local Government Code, is
3 amended to read as follows:

4 (b) On receipt of an application for a permit as described
5 by Section 245.001 for a proposed structure in an area located
6 within eight miles of the boundary line of a defense base [~~or the~~
7 ~~military exercise or training activities connected to the base~~],
8 the defense community reviewing the application shall notify [~~seek~~
9 ~~comments and analysis from~~] the defense base authorities concerning
10 the compatibility of the proposed structure with base operations.

11 SECTION 5. Sections 397.005(c) and 397.006(c), Local
12 Government Code, are repealed.

13 SECTION 6. (a) The changes in law made by this Act apply
14 only to an ordinance, rule, or plan proposed to be adopted or
15 amended under Section 397.005(b), Local Government Code, as amended
16 by this Act, or an application for a permit for a proposed structure
17 received under Section 397.006(b), Local Government Code, as
18 amended by this Act, on or after the effective date of this Act.

19 (b) An ordinance, rule, or plan proposed to be adopted or
20 amended under Section 397.005(b), Local Government Code, or an
21 application for a permit for a proposed structure received under
22 Section 397.006(b), Local Government Code, before the effective
23 date of this Act is governed by the law on the date the ordinance,
24 rule, or plan was proposed to be adopted or amended or the permit
25 application was received, and the former law is continued in effect
26 for that purpose.

27 SECTION 7. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 1665 was passed by the House on April 26, 2011, by the following vote: Yeas 148, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1665 was passed by the Senate on May 29, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor