

By: Goldman, Gutierrez

H.B. No. 3701

A BILL TO BE ENTITLED

AN ACT

relating to the notification requirements regarding certain proposed regulations and structures in an area near a military facility.

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

SECTION 1. 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 that would be applicable in an area located within eight miles of the boundary line of a military base or defense facility shall notify the base or facility authorities concerning the compatibility of the proposed ordinance, rule, or plan with base operations. The defense community may enter into a memorandum of agreement with the military base or defense facility to establish a smaller area for which notification is required under this subsection. After providing notice required by this subsection, the defense community shall enter into a memorandum of agreement with the military base or defense facility to establish provisions to maintain the compatibility of the proposed ordinance, rule, or plan with base operations.

SECTION 2. Section 397.006, Local Government Code, is amended to read as follows:

Sec. 397.006. CONSULTATION WITH OR NOTIFICATION TO MILITARY BASE OR DEFENSE FACILITY AUTHORITIES: PROPOSED STRUCTURE.

(a) This section ~~[Subsection (b)]~~ 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.

(b) On receipt of an application for a permit as described by Section 245.001 for a proposed structure in an area located within eight miles of the boundary line of a military base or defense facility, the defense community reviewing the application shall notify the base or facility authorities concerning the compatibility of the proposed structure with base operations.

~~(c) [On receipt of an application for a permit as defined by Section 245.001 for a proposed structure that would be located in a controlled compatible land use area as defined by Section 241.003 and may impact base operations, a defense community shall notify the base or facility authorities concerning the compatibility of the proposed structure with base operations. This subsection applies only to a defense community that has not adopted airport zoning regulations under Chapter 241 and that:~~

~~[(1) is a county with a population of more than 1.5 million that contains a municipality in which at least 75 percent of the county's population resides,~~

~~[(2) is a county with a population of 130,000 or more~~

1 ~~that is adjacent to a county described by Subdivision (1),~~

2 ~~[(3) is located in a county described by Subdivision~~
3 ~~(1) or (2), or~~

4 ~~[(4) is or includes a municipality that is located in a~~
5 ~~county with a population of more than 130,000 that borders the Red~~
6 ~~River.~~

7 ~~[(c-1)]~~ A defense community ~~[described by Subsection (c)]~~ may
8 enter into a memorandum of agreement with the military base or
9 defense facility to establish a smaller area ~~[in the controlled~~
10 ~~compatible land use area]~~ for which notification is ~~[under~~
11 ~~Subsection (c) would be]~~ required under Subsection (b) ~~[by the~~
12 ~~defense community]~~.

13 (d) ~~[(c-2)]~~ After providing notice under Subsection (b)
14 ~~[(c)]~~, a defense community shall enter into a memorandum of
15 agreement with the military base or defense facility to establish
16 provisions to maintain the compatibility of the proposed structure
17 with base operations.

18 (e) ~~[(d)]~~ This section does not apply if a defense community
19 is required to take immediate action on an application to protect
20 the public health, safety, or welfare of residents of the defense
21 community.

22 SECTION 3. Sections 397.005(c), (d), and (e), Local
23 Government Code, are repealed.

24 SECTION 4. (a) Sections 397.005 and 397.006, Local
25 Government Code, as amended by this Act, apply only to an ordinance,
26 rule, or plan proposed to be adopted or amended or an application
27 for a permit for a proposed structure received on or after the

1 effective date of this Act.

2 (b) An ordinance, rule, or plan proposed to be adopted or
3 amended or an application for a permit for a proposed structure
4 received before the effective date of this Act is governed by the
5 law on the date the ordinance, rule, or plan was proposed to be
6 adopted or amended or the permit application was received, and the
7 former law is continued in effect for that purpose.

8 SECTION 5. This Act takes effect September 1, 2017.