

AN ACT

relating to the compatibility of certain defense community regulations and structures with military operations.

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

SECTION 1. Section 397.005, Local Government Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) A defense community that proposes to adopt or amend an ordinance, rule, or plan that would be applicable in a controlled compatible land use area as defined by Section 241.003 and that may impact base operations shall notify the base or facility authorities concerning the compatibility of the proposed ordinance, rule, or plan 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 that is adjacent to a county described by Subdivision (1);

(3) is located in a county described by Subdivision (1) or (2); or

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

1 (d) A defense community described by Subsection (c) may
2 enter into a memorandum of agreement with the military base or
3 defense facility to establish a smaller area in the controlled
4 compatible land use area for which notification under Subsection
5 (c) would be required by the defense community.

6 (e) After providing notice under Subsection (c), the
7 defense community shall enter into a memorandum of agreement with
8 the military base or defense facility to establish provisions to
9 maintain the compatibility of the proposed ordinance, rule, or plan
10 with base operations.

11 SECTION 2. Section 397.006, Local Government Code, is
12 amended by amending Subsection (a) and adding Subsections (c),
13 (c-1), and (c-2) to read as follows:

14 (a) Subsection (b) [~~This section~~] applies only to a defense
15 community that includes a municipality with a population of more
16 than 110,000 located in a county with a population of less than
17 135,000 and that has not adopted airport zoning regulations under
18 Chapter 241.

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

27 (1) is a county with a population of more than 1.5

1 million that contains a municipality in which at least 75 percent of
2 the county's population resides;

3 (2) is a county with a population of 130,000 or more
4 that is adjacent to a county described by Subdivision (1);

5 (3) is located in a county described by Subdivision
6 (1) or (2); or

7 (4) is or includes a municipality that is located in a
8 county with a population of more than 130,000 that borders the Red
9 River.

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

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

20 SECTION 3. This Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I certify that H.B. No. 1640 was passed by the House on April 30, 2015, by the following vote: Yeas 139, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1640 was passed by the Senate on May 26, 2015, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor