

By: Farias, Kuempel, Frank, Gutierrez,  
et al.

H.B. No. 1640

Substitute the following for H.B. No. 1640:

By: Shaheen

C.S.H.B. No. 1640

A BILL TO BE ENTITLED

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.