

By: Farias

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 to read as follows:

Sec. 397.005. CONSULTATION WITH OR NOTIFICATION TO MILITARY BASE OR DEFENSE FACILITY AUTHORITIES: PROPOSED ORDINANCE, RULE, OR PLAN. (a) This subsection applies to a defense community other than a defense community described by Subsection (b)(1) [~~Subsection (b)~~]. If a defense community determines that an ordinance, rule, or plan proposed by the community may impact a military base or defense facility or the military exercise or training activities connected to the base or facility, the defense community shall seek comments and analysis from the base or facility authorities concerning the compatibility of the proposed ordinance, rule, or plan with base operations. The defense community shall consider and analyze the comments and analysis before making a final determination relating to the proposed ordinance, rule, or plan.

(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,

1 rule, or plan in an area located within eight miles of the boundary
2 line of a military base or defense facility shall notify the base or
3 facility authorities concerning the compatibility of the proposed
4 ordinance, rule, or plan with base operations. This subsection
5 applies only to a defense community that has not adopted airport
6 zoning regulations under Chapter 241 and that:

7 (1) includes a municipality with a population of more
8 than 110,000 located in a county with a population of less than
9 135,000;

10 (2) is a county with a population of more than 1.5
11 million that contains a municipality in which at least 75 percent of
12 the county's population resides;

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

15 (4) is located in a county described by Subdivision
16 (2) or (3).

17 (c) A defense community described by Subsection (b)(2),
18 (3), or (4) may enter into a memorandum of agreement with the
19 military base or defense facility to establish a shorter distance
20 from the boundary line of the military base or defense facility for
21 which notification under Subsection (b) would be required by the
22 defense community.

23 (d) After providing notice under Subsection (b), a defense
24 community described by Subsection (b)(2), (3), or (4) shall enter
25 into a memorandum of agreement with the military base or defense
26 facility to establish provisions to maintain the compatibility of
27 the proposed ordinance, rule, or plan with base operations.

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

4 (a) This section applies only to a defense community that
5 has not adopted airport zoning regulations under Chapter 241 and
6 that:

7 (1) includes a municipality with a population of more
8 than 110,000 located in a county with a population of less than
9 135,000;

10 (2) is a county with a population of more than 1.5
11 million that contains a municipality in which at least 75 percent of
12 the county's population resides;

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

15 (4) is located in a county described by Subdivision
16 (2) or (3) [~~and that has not adopted airport zoning regulations~~
17 ~~under Chapter 241].~~

18 (c) A defense community described by Subsection (a)(2),
19 (3), or (4) may enter into a memorandum of agreement with the
20 military base or defense facility to establish a shorter distance
21 from the boundary line of the military base or defense facility for
22 which notification under Subsection (b) would be required by the
23 defense community.

24 (c-1) After providing notice under Subsection (b), a
25 defense community described by Subsection (a)(2), (3), or (4) shall
26 enter into a memorandum of agreement with the military base or
27 defense facility to establish provisions to maintain the

1 compatibility of the proposed structure with base operations.

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